



To: City Commission

From: Craig E. Leen, City Attorney for the City of Coral Gables

RE: Forfeiture Enforcement Policy *CL*

Date: October 1, 2015

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Please see attached Resolution 2015-90 regarding the Forfeiture Enforcement Policy.

**From:** [Leen, Craig](#)  
**To:** [Paulk, Enga](#)  
**Cc:** [Ramos, Miriam](#); [Figueroa, Yaneris](#)  
**Subject:** Fwd: Forfeiture Enforcement Policy  
**Date:** Thursday, October 01, 2015 11:06:27 AM  
**Attachments:** [ATT00001.htm](#)  
[ATT00002.htm](#)  
[img-X01101731-0001.pdf](#)  
[ATT00003.htm](#)

Please publish.

Sent from my iPhone

Begin forwarded message:

**From:** "Figueroa, Yaneris" <[yfigueroa@coralgables.com](mailto:yfigueroa@coralgables.com)>  
**To:** "Leen, Craig" <[cleen@coralgables.com](mailto:cleen@coralgables.com)>  
**Cc:** "Ramos, Miriam" <[mramos@coralgables.com](mailto:mramos@coralgables.com)>  
**Subject:** RE: Forfeiture Enforcement Policy

Good Morning Craig,

Please see attached Resolution 2015-90 regarding the Forfeiture Enforcement Policy.

Best,  
Yaneris Figueroa  
Assistant City Attorney for the City of Coral Gables  
405 Biltmore Way, 2nd Floor  
Coral Gables, FL 33134  
Office: (305) 722-8625  
Fax: (305) 476-7795

**CITY OF CORAL GABLES, FLORIDA**

**RESOLUTION NO. 2015-90**

A RESOLUTION OF THE CITY COMMISSION  
ACCEPTING THE FORFEITURE ORDINANCE  
ENFORCEMENT POLICY (ATTACHED), AS  
PROFFERED BY THE CITY ATTORNEY.

**BE IT RESOLVED BY THE COMMISSION OF THE CITY OF CORAL  
GABLES:**

**SECTION 1.** That the City Commission does hereby accept the Forfeiture  
Ordinance Enforcement Policy (attached), as proffered by the City Attorney.

**SECTION 2.** That said resolution shall become effective upon its passage and  
adoption herein.

PASSED AND ADOPTED THIS TWENTY-SIXTH DAY OF MAY, A.D., 2015.

(Moved: Keon / Seconded: Lago)  
(Yeas: Lago, Slesnick, Keon, Cason)  
(Majority: (4-0) Vote)  
(Absent: Quesada)  
(Non-Agenda Item)

APPROVED:

  
JIM CASON  
MAYOR

ATTEST



WALTER J. FOEMAN  
CITY CLERK

APPROVED AS TO FORM AND  
LEGAL SUFFICIENCY:

  
CRAIG E. LEEN  
CITY ATTORNEY

**CITY OF CORAL GABLES  
OFFICE OF THE CITY ATTORNEY**

**FORFEITURE ORDINANCE ENFORCEMENT POLICY**

The purpose of this policy is to establish when the City will invoke the seizure or forfeiture process pursuant to Article VII, “Forfeiture of Abandoned Real Property” of Chapter 34, “Nuisances”, of the City of Coral Gables Code (“Ordinance”) in order to address the deterioration and blight of City neighborhoods caused by abandoned, foreclosed or distressed real property located within the City, and not being maintained in violation of the City’s laws. As provided in Section 34-177 of the City Code, the City will not initiate the seizure or forfeiture until the City Commission or the City Manager, in consultation with the City Attorney, makes a finding that such seizure or forfeiture substantially promotes or protects the health, safety, and welfare of the community.

The City shall consider the following factors when determining whether to initiate a seizure or forfeiture.

- 1) Number of Violations: Pursuant to Section 34-176(b) of the City Code, there must be at least two violations. The more violations on a property, the more likely seizure or forfeiture will be invoked.
- 2) Severity of the violations: The more severe the violations, the more likely forfeiture will be invoked. Violations relating to the structure, such as holes in the roof, missing windows, and collapsing structure, are of the greatest concern.
- 3) Illegal Use: Structures with a recent history of being used by squatters or for illegal purposes are more likely to be forfeited.
- 4) Court Order: Failure to comply with a court order makes it more likely that the City will pursue forfeiture.
- 5) Duration: Pursuant to Section 34-176(b) of the City Code, at least two of the violations must have existed for at least six months. The longer the violations have been present without being corrected, the more likely forfeiture will be invoked.
- 6) Unsafe Structure: If a structure legally qualifies as an unsafe structure, the City will be more likely to pursue forfeiture.

7) **Vacant:** A structure that is or has been vacant for a substantial period of time, when combined with some or all of the other factors above, will make it more likely that the structure will be forfeited.

8) **Historic Preservation:** If a structure is on the national, state, or local registry of historic places, when combined with some or all of the factors above, the City will be more likely to forfeit the property in order to preserve the structure.

9) **Exclusions:** The forfeiture ordinance will not be used to seize or forfeit properties where the violation(s) are of a less substantial nature (i.e. overgrown grass, chipping paint, dirty walls or roof). The City would avail itself of other remedies to enforce those types of violations. The City will also not seize or forfeit homestead properties pursuant to the Ordinance (this prohibition is expressly contained in the Ordinance).

As a general matter, the City will normally pursue other remedies before resorting to the forfeiture remedy under the Ordinance.

This policy is a statement of principles and does not create any rights to compel or challenge the City's decision to enforce the Ordinance.