

Sec. 17-11. - Registration of properties with mortgages in default or that have been abandoned.

(a) Any mortgagee who holds a mortgage on any real property located within the city, regardless of the property's land use designation, zoning district, or nature of the use or uses given to the structures found on the property, and who has determined that such mortgage is in default, has issued a notice of default, has recorded a lis pendens, or taken any other legal action to enforce its right to accelerate the debt or foreclose its interest in the property, shall register the property with the city's code compliance division. Additionally, any mortgagee who holds a mortgage on real property located within the city, shall register such property with the city's code compliance division once it has been contacted by the city and put on notice that after reasonable due diligence the city has determined such real property has been abandoned by its owner(s) and/or other inhabitants. The mortgagee must register the property within fifteen (15) days from:

- (1) The date it first gives notice to the debtor/mortgagor of its intent to accelerate the debt and/or foreclose its interest in the property, or
- (2) The date the city sends notice that it has deemed the property abandoned.

Together with the registration, the mortgagee must submit an annual fee for each property registered according to the following:

- (1) For properties that have been abandoned/foreclosed for less than two (2) years, a nonrefundable annual registration fee in the amount of two hundred fifty dollars (\$250.00) per property shall accompany the registration form(s).
- (2) For properties that have been abandoned/foreclosed for two (2) years or more but less than three (3) years, a nonrefundable annual registration fee in the amount of five hundred dollars (\$500.00) per property shall accompany the registration form(s).
- (3) For properties that have been abandoned/foreclosed for three (3) years or more but less than four (4) years, a nonrefundable annual registration fee in the amount of one thousand dollars (\$1,000.00) per property shall accompany the registration form(s).
- (4) For properties that have been abandoned/foreclosed for four (4) years or more but less than five (5) years, a nonrefundable annual registration fee in the amount of two thousand dollars (\$2,000.00) per property shall accompany the registration form(s).
- (5) For properties that have been abandoned/foreclosed for five (5) years or more, a nonrefundable annual registration fee in the amount of four thousand dollars (\$4,000.00) per property shall accompany the registration form(s).

The mortgagee must designate an individual or entity to act as its local agent who shall be responsible for inspecting, maintaining and securing the property according to the provisions of this section and be available to be contacted by the city during regular business hours. The local agent must have a place of business in Sarasota or Manatee County. All registrations must state the property address, the mortgagee's name, address, email address and telephone number, the name of an agent responsible for the property's management, agent's mailing address, email address and telephone number. If the local agent designated by the mortgagee is an entity, the registration must identify an individual and that individual's position within the entity. The individual must have the necessary authority within the entity to make all necessary decisions and take all necessary actions to discharge the mortgagee's obligations pursuant to this section. Postal box office numbers cannot be utilized as mailing addresses. Any change in the information required must be reported to the code compliance division within ten (10) days from the date of the change. If the mortgagee who first registers the property assigns the mortgage in default to another, the mortgagee must notify the city of the assignment, the identity and contact information of the assignee. The assignee must re-register the property, pay the registration fee, designate a local agent and provide all the information required for registration.

(b) The mortgagee, through its designated local agent, must perform an inspection within fifteen (15) days from the date the mortgagee first gives notice to the debtor/mortgagor of its intent to accelerate the debt and/or foreclose its interest in the property to determine whether it is vacant or abandoned.

Vacancy shall be determined when the property is no longer occupied by persons with the lawful right to occupy the property or persons named as party-defendants in a foreclosure action affecting the property. Abandonment shall be determined when one (1) or more conditions on the property, such as failure to keep any one (1) of the maintenance and security standards described herein, leads a reasonable person to believe the property is abandoned. The local agent must continue to inspect the property every thirty (30) days from the date of the agent's first inspection. If at any time the property becomes vacant or abandoned, the mortgagee, through its designated local agent, shall be responsible to perform the work necessary to bring the property into compliance with and maintain and secure the property in accordance with Section 801.3, Standard Unsafe Building Abatement Code. Proof of such inspection shall be provided at any time upon request by city, but not less than annually.

- (c) The mortgagee's obligation to register, inspect, maintain and secure properties with mortgages in default or properties the city has deemed abandoned shall continue for as long as the property remains abandoned or for as long as the mortgage remains in default, whether the mortgage in default has been foreclosed or not, until such time when the default is cured, the property is sold to a third party at a foreclosure sale or the property is sold or transferred to a third party with the consent of the mortgagee who registers the property. The mortgagee, through its designated local agent, must notify the code compliance division of such sale, transfer, or occupancy. There will be no refund of a fee paid to the city. The mortgagee shall be under a continuing obligation to register, inspect, maintain and secure the property if the mortgagee assumes title to the property securing the mortgage in default.
- (d) Properties registered pursuant to this section must be maintained and kept in accordance with all standards set forth in the Code of the City of Sarasota. In addition, properties shall be maintained free from weeds, overgrown grass or brush, dead vegetation, garbage, trash, junk, debris, and accumulation of newspapers, circulars, flyers, discarded personal items such as furniture, clothing, appliances, or any other items leading a reasonable person to believe the property is not being properly maintained or is abandoned. Weeds, grass, brush, or dead vegetation shall not be over six (6) inches in height. The property shall be maintained free of graffiti or similar markings by removal or painting over with an exterior-grade paint that matches the color of the exterior structure. Pools, spas, fountains, ponds, or outdoor aquariums shall be kept in working order so as to prevent the creation of an environment for the breeding of mosquitoes or other unsanitary environment through the accumulation of stagnant or polluted water, pollutants and/or debris. Water clarity shall be such that the bottom of the pool or spa can be seen from the pool or spa deck. If the pool or spa is emptied, then it must be securely covered. Doors, windows, gates, fences and all other openings of such size to allow a child or adult to access the interior of any structure on the property shall be kept locked and secured to prevent any trespassers, squatters or other unauthorized persons.

Additionally, properties subject to the provisions of this article shall be posted with the name, address, and twenty-four-hour contact phone number of the local property management company. The posted sign shall be no less than eighteen (18) inches by twenty-four (24) inches, and shall be of a font that is legible from a distance of forty-five (45) feet. The posting shall contain the applicable contact information along with the name, address, and twenty-four-hour phone number, along with the following language:

THIS PROPERTY IS MANAGED BY ...

TO REPORT PROBLEMS OR CONCERNS ...

All written information thereupon shall be clear, legible and updated as required. The posted sign shall be placed on the interior of a window facing the street to the front of the property so it is visible from the street; secured to the exterior of the building/structure facing the street to the front of the property so it is visible from the street; or, if no such area exists, on a stake of sufficient size to support the posting in a location that is visible from the street to the front of the property. Exterior posting shall be constructed of and printed with weather-resistant materials.

- (e) Failure to register/pay annual fee, inspect, maintain, or secure the property in accordance with the standards established in this section or failure to notify the city of any changes in material information

required by this section is a violation of the Code and may be subject to enforcement by any means available to the city, including, but not limited to, any and all remedies and penalties provided in chapter 2, article V, division 5, Code of the City of Sarasota. Additionally, any judicial order issued by a court in conjunction with a violation of this article may also be recorded in the manner of recording judgments under Florida law, and the city may take all necessary steps to enforce such judicial order as allowed under Florida law.

(Ord. No. 13-5072, § 1(17-5), 10-6-14)