

ENB-12.01 - Lien Account Assessment & Billing Policy

LIEN ACCOUNT ASSESSMENT & BILLING POLICY

Administrative Rule Adopted by Auditor's Office Pursuant to Rulemaking Authority

ARB-ENB-12.01

PURPOSE

The purpose of this policy is to establish the basis by which lien accounts are to be billed from the City Lien Accounting System (LAS) after a lien is assessed upon a property. The LAS represents the official Docket of City Liens for the City of Portland.

POLICY

A. ASSESSMENT: Upon the receipt of information from a City bureau, the Assessments & Liens Division will be responsible for creating a Lien record in the LAS. The lien record represents a recording of an assessment upon a property for a specific bureau charge or for violation of City Code. The lien record will be created and assessed based on the following:

1. The lien record will be created within one week of receipt of information from a City Bureau. The lien record will be recorded in a Lien project along with other lien records of the same type. If property information received is incomplete or contains errors, the Auditor's office will work with the respective bureau to make the correction prior to creating the lien record. All property identification and the amount of the assessed charges will be the responsibility of the submitting bureau.
2. Lien records will be created in the LAS based upon property ownership information from Multnomah County Tax records, except in cases where the bureau can provide newer ownership information that has not yet been updated to county records.
3. In most cases, lien projects will be assessed in the LAS monthly, except for System Development Charges, Sidewalk Repair, or Local Improvement District projects which require action by the City council. In these cases, the Lien project will be assessed upon the passage of an ordinance by the City council.

B. BILLING: After final assessment of a lien upon a property, due dates are determined based on the type of lien assessed:

1. If the lien is based on a signed installment payment contract (SDCs & Private Plumbing Loans), the due date will be determined by the selected repayment frequency. For monthly payments, the installment due date will be 30 days from the date of assessment, and approximately every 30 days thereafter (delinquent amounts will bill with each subsequent installment). For a semi-annual payment, the installment due date will be 180 days from the date of assessment, and approximately every 180 days thereafter, unless delinquent, in which case it will bill monthly until paid current.
2. If the lien assessed can be financed (i.e., LIDs or Sidewalk repair), payment or a signed installment payment contract must be received within approximately 30 days from the date of assessment.
 - If financing is arranged, the lien will bill according to the selected repayment frequency as described in B.1 above.
 - If full payment or contract is not received by the due date, the lien will bill delinquent approximately every 30 days until paid or financed.
3. All other liens will have a due date approximately 30 days from the date of assessment. If payment is not received, the lien will bill delinquent and have a due date approximately every 30 days from the last due date.
4. In all cases above, the LAS will generate a billing transaction and billing statement no less than 20 days before the lien due date.

C. In cases of delinquency, a lien account will bill every month and add interest and other charges as authorized by City Code. Delinquent billing will be based on a 30 day cycle and apply to non-financed liens, and to delinquent signed monthly and semi-annual installment contracts. Exception is given to certain deferred liens, as addressed below, and to semi-annual installment contracts which have a past due balance less than \$5.00 (limit can not be greater than a normal semi-annual bill). In most cases the past due amount represents an immaterial portion of a semi-annual bill, and generating a bill and adding additional costs to the lien for collection is not in the best interest of the customer. For this reason, it has been established to roll the past due amount into the next normal bill with interest, but without penalty.

D. Deferred Liens: Monthly delinquent billing statements will not be generated for liens set to certain deferred status. While statements will not be generated, monthly interest charges will accrue and post to the lien. Examples of such deferred liens are Sewer Safety Nets, Sewer Large Lot Deferrals, and Parks/Transportation Deferred SDCs (deferred for only 180 days from date of permit issuance).

AUTHORITY:

City Charter: 9.703

PCC: 5.30.040 "Authorities and Responsibilities

PCC: 5.30.050 "Collection Process

APPLICABILITY:

This policy applies to all municipal liens duly assessed and recorded in the City of Portland Docket of City Liens. All managers, supervisors, and staff of the Auditor's office will consistently apply the policy to all City liens.

HISTORY

Filed for inclusion in PPD September 28, 2004.