

**Charlotte County Board Of County Commissioners  
Agenda Item Summary**

## Item Number: G- 1

### 1 DEPARTMENT MAKING REQUEST

Community Development

### 2 MEETING DATE

5/13/2014 9:00:00 AM

### 3 REQUESTED MOTION/ACTION

The Lien Relief Program, established under Resolution No. 2012-036, provides owners or potential owners of properties a method to reduce code enforcement liens in return for bringing their properties into compliance. The program will sunset on July 1, 2014. The department has found this to be a highly successful program and recommends its amendment and extension.

### 4 AGENDA

Consent

### 5 IS THIS ITEM BUDGETED ( IF APPLICABLE ) - No

#### **Budget Action**

None.

#### **Financial Impact Summary Statement**

None.

**Detailed Analysis Attached** - No

**Budget Officer-**

### 6 BACKGROUND ( Why is this Action Necessary, and What Action will be accomplished )

This program is highly successful in facilitating compliance for properties with long term code violations. As the program is due to sunset, action is required to amend and extend the program.

The department recommends amendment and extension of the program without a sunset date.

#### **ATTACHMENTS:**

Name:	Description:	Type:
<input type="checkbox"/> <a href="#">Cover memo - 3-24-14.docx</a>	Cover Memo	Cover Memo
<input type="checkbox"/> <a href="#">RES Amending and Extending Lien Relief Program.pdf</a>	Resolution Amending and Extending Lien Relief	Cover Memo



## MEMORANDUM

Date: March 24 2014

To: Board of County Commissioners

From: Erin Mullen-Travis, Manager – Contractor Licensing

Subject: Lien Relief Program

Honorable Commissioners,

The Lien Relief Program is a highly successful program that allows partial or complete relief from code enforcement liens in return for bringing the properties into full compliance.

In this economy, we are seeing properties change hands very quickly and often without the due diligence of identifying outstanding code enforcement violations and liens. This often means that new owners come to us, concerned that they have liens on their properties and not knowing what they can do to correct the issues.

The Lien Relief Program gives the department the ability to offer a solution and help facilitate the properties being brought into compliance and becoming lien free. We are also able to enter into agreements with prospective owners to allow them time after the sale to bring a property into compliance and still benefit from the program.

The program is split into two sections, the first is for judicially imposed sales (this does not include tax deed sales). Applicants for this portion of the program can obtain a full release of the liens (other than actual abatement costs), providing that the property is brought into compliance. This section is typically utilized by banks and other lending institutions.

The second part of the program is for all other owners, or potential owners with code enforcement liens. This allows them to reduce the lien to \$1000 plus any actual abatement costs providing the property is cleared of any code violations. In the case of some older code cases, this can amount to several thousand dollars. The benefit to the community however is that the violations are cleared, there is no ongoing code compliance activity needed and the overall look of the neighborhood is improved.

The program has been running for four years now and the authorization for the program is due to sunset on July 1 2014. Due to the success of the program, we respectfully request that the program be renewed but this time, without a sunset date. There are still a considerable number of properties with substantial liens on them that are not in compliance. Offering this program helps potential owners and existing owners know that there is an affordable way to mitigate the liens which incentivizes them to clear the code violations.

### COMMUNITY DEVELOPMENT

18400 Murdock Circle, Port Charlotte FL 33948  
Phone: 941.743.1201 | Fax: 941.764.4108

RESOLUTION  
NUMBER 2014-\_\_\_\_

RESOLUTION AMENDING AND  
EXTENDING THE CODE ENFORCEMENT  
LIEN RELIEF PROGRAM ESTABLISHED IN  
RESOLUTION NO. 2012-036.

RECITALS

**WHEREAS**, on June 12, 2012, the Charlotte County Board of County Commissioners adopted Resolution 2012-036 establishing a Code Enforcement Lien Relief Program (the "Lien Relief Program"); and

**WHEREAS**, said Resolution 2012-36 is scheduled to expire on July 1, 2014; and,

**WHEREAS**, the Charlotte County Board of County Commissioners recognizes that the Lien Relief Program for Charlotte County has been successful, and it continues to be in the public interest and in the best interest of the health, safety, and welfare of the citizens of Charlotte County by encouraging both residential and commercial property owners to bring property into compliance with Charlotte County codes; and

**WHEREAS**, the Charlotte County Board of County Commissioners desires to amend and extend the Lien Relief Program.

**NOW, THEREFORE, BE IT RESOLVED** by the Board of County Commissioners of Charlotte County, Florida:

1. The Charlotte County Board of County Commissioners hereby amends and extends the Lien Relief Program. The Lien Relief Program shall have the following terms and conditions:

A. Lien Reduction Procedure for Owners.

1. Property owners of all properties may apply to the Charlotte County Building Construction Services Code Compliance Department for a reduction of code enforcement board liens encumbering their property.

2. The property must be in compliance with all Charlotte County (the "County") codes at the time of application.

3. Liens will be reduced to \$1,000 plus the County's actual abatement, administrative and prosecutorial costs incurred during enforcement.

4. The application fee for the lien reduction will be \$150. The application shall be per property not per code enforcement case.

5. The property owner shall, within 30 days from the date of the notification of the lien reduction amount, make full payment of that amount; failure to do so will deem the application void and a release of lien shall not be executed.

B. Lien Reduction Procedure for Non-Owners.

1. In anticipation of pending sale, persons with a bona fide purchase contract for affected properties may seek an anticipatory lien reduction from the Charlotte County Building Construction Services Code Compliance Department provided the following:

a. The property must be in compliance with all County codes at the time of application or must meet the requirements of subsection 5 below.

b. The application fee for the lien reduction will be \$150. The application shall be per property not per code enforcement case and must be authorized by the current owner of the property.

2. Liens will be reduced to \$1,000 or the County's actual abatement, administrative and prosecutorial costs incurred during enforcement, whichever is greater.

3. The applicant shall, within 30 days from the date of the notification of the lien reduction amount, make full payment of that amount; failure to do so will deem the application void and a release of lien shall not be executed.

4. In the event the property is not in compliance at the time of application, the applicant must, in addition to prepaying the reduced lien amount, enter into a written agreement with the County giving the applicant 90 days from the closing date to bring the property into compliance with any existing code enforcement orders or risk the reinstatement of the previous fine amounts and code enforcement proceedings.

5. In all instances of transfer under this section the transferring party must provide the prospective owner with notice in writing as required pursuant to §162.06(5), Florida Statutes.

C. Lien Release Procedure.

1. Property owners who purchase property through a judicially-imposed sale, including a foreclosure sale, may apply to the Charlotte County Building Construction Services Code Compliance Department for a release of any code enforcement board liens on their property after the sale closes. Tax deed sales and foreclosure short-sales are not judicially imposed sales and are not included in the criteria for the Lien Release Program.

2. The property owner shall not be the owner of the property at the time the lien was imposed.

3. The property must be in compliance with all County codes at the time of application.

4. The fee for the application for the lien release will be \$150. The application shall be per property not per code enforcement case.

D. Revenues. Revenues generated from this program will be placed in the County's general fund to offset the cost of code enforcement and future abatement needs.

2. The County Administrator or his designee shall develop the application for use with the Lien Relief Program. The County Administrator or his designee is authorized to approve the applications seeking the lien reductions or lien releases and to sign the satisfaction and release of liens necessary to implement the Lien Relief Program. The County Administrator or his designee is hereby authorized in consultation with the

County Attorney to enter into and enforce agreements with current and potential property owners to ensure compliance with this program.

3. This Resolution shall take effect immediately upon adoption.

PASSED AND DULY ADOPTED this \_\_\_\_\_ of \_\_\_\_\_ 2014.

BOARD OF COUNTY COMMISSIONERS  
OF CHARLOTTE COUNTY, FLORIDA

By: \_\_\_\_\_  
Kenneth W. Doherty, Chairman

ATTEST:  
Barbara T. Scott, Clerk of Circuit  
Court and Ex-officio Clerk to the  
Board of County Commissioners

By: \_\_\_\_\_  
Deputy Clerk

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY

By: \_\_\_\_\_  
Janette S. Knowlton, County Attorney  
LR 13-2624 \_\_\_\_\_