

Policies and Procedures for Release of Code Compliance Liens

County Administrator

POLICY:

The following guidelines and procedures are designed to facilitate the release of Code Compliance related liens. For the purposes of this document, the term "Division" shall mean the Citrus County Code Compliance Division; "Special Master" shall mean the regular Special Master or any alternate Special Master appointed by the Board of County Commissioners; "County Administrator" shall mean the currently appointed County Administrator of Citrus County; "Board" shall mean the Citrus County Board of County Commissioners; and "Secretary" shall mean the Code Compliance Division Legal Secretary.

Pursuant to Citrus County Code Section 19.1, *et. seq.* and Chapter 162, Florida Statutes, the Special Master may impose a penalty/fine against real property upon formal determination of non-compliance with an order to abate the violation. If such fines go unpaid the County may record those fines as a lien against the property. The release of such liens is requested on occasion due to extenuating circumstances. Any lien runs in favor of the Board and only the Board in its discretion may release a lien once it has been recorded. The Special Master cannot release or recommend release of any lien once it has been recorded. There is no entitlement to the release of a lien that has not been fully satisfied. The Board delegated its authority to release liens to the County Administrator or his or her designee.

PROCEDURE:

1. The property owner or their legal designee shall submit a written request for release of the lien. The request shall include the reason behind the request, as well as the amount of relief. Such request shall be submitted to the Code Compliance Director.

2. Upon receipt, the Secretary shall calculate the costs incurred regarding the investigation and prosecution of the case and include them with the request for release and forwarded to the County Administrator. The fees are from the current adopted fee schedule.

3. The County Administrator shall consider requests for release. The County Administrator shall render a decision on the request. However, at no time shall the release include the amount necessary to cover the costs of prosecution.

4. A request for release may NOT be accepted if, among other reasons:

- a. The request is incomplete;
- b. The amount of administrative costs has not been paid in full;
- c. The violation has not been abated;
- d. Relief is sought for a repeat violation;
- e. The property owner did not use his/her reasonable best efforts under the circumstances to

abate the violation;

5. Upon examination of the facts addressed in the request, the County Administrator within his/her discretion has the authority to reduce a lien for good cause.

6. After the County Administrator renders a decision, the owner shall pay the outstanding penalty/lien within 30 days, unless the County Administrator approves an alternative payment schedule. Failure to pay the outstanding penalty/lien within the prescribed timeframe shall negate the release.

7. Upon payment of the outstanding penalty/lien the Division or designee shall prepare a Release of Code Compliance lien agreement. The agreement shall include details of the violation, the total fines, penalties, and liens assessed, the written request for release, the calculated costs, the decision of the County Administrator and the proof of payment.

8. Upon review by the County Attorney's Office, a Release of Code Compliance lien shall be generated by the Secretary and transmitted to the Clerk for final action.

FOOTNOTES & REFERENCES TO RELATED AR's : Supersedes AR 13.17 dated June 11, 2002; AR 10.11 dated October 25, 2005; AR 10.11-1 dated May 13, 2008, AR 10.11-2 dated June 24, 2008, December 7, 2010.