

STAFF FACTOR DISCUSSION:

FACTOR	MAXIMUM LIEN REDUCTION
(1) Gravity of the Violation (impact on the public health, safety, and general welfare of the occupant(s) and surrounding properties.)	
(a) Minor:	50%
(b) Severe	25%
(2) Time to Come into Compliance from the date Notice of Violation is issued.	
(a) Under 6 months:	30%
(b) 6-12 months	20%
(c) 1-2 years	10%
(d) More than two years	0%
(3) Previous Code Violations	
(a) No previous violations found by Code Compliance Board and/or Magistrate	20%
(b) Repeat Violator (as defined in chapter 162, Florida Statutes), or other prior violations found by Code Compliance Board and/or Magistrate	0%
Total Possible Lien Reduction	80%

Summary

- Gravity of the Violation (impact on the public health, safety, and general welfare of the occupant(s) and surrounding properties.)
 - 50%.-** Only 1 complaint filed and there has been no threat to health or safety of occupants or surrounding properties
- Time to Come into Compliance from the date Notice of Violation is issued.
 - 10%.** - 15 Months in violation

Consideration

IAW Florida Statute Chapter 162.06 Enforcement Procedures; A failure to make the disclosures described in paragraphs (a), (b), and (c) before the transfer creates a rebuttable presumption of fraud. If the property is transferred before the hearing, the proceeding shall not be dismissed, but the new owner shall be provided a reasonable period of time to correct the violation before the hearing is held.

With the transfer of ownership and a full lien disclosure from seller; if the BOCC were to grant Mr. Hanley 30 days to get the property into compliance upon purchase; I feel the County would be in-line with the intention of the Florida Statute Chapter 162's transfer of ownership and reasonable time and could justify a 30%

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reduction for this factor which would garner a full waiver of the code compliance lien less administrative fees.

3. Previous Code Violations

- a. **20%.-** No previous violations found by Code Compliance Board and/or Magistrate

Factors utilized to determine a percentage of reduction against the lien recorded on property 12390 NW 90th Ave Chiefland, FL 32626 revealed an 80% reduction. With the consideration of factor 2(a) and granting Mr. Hanley 30 days to gain compliance on the property could warrant a 30% reduction on factor 2(a) and giving an overall 100% reduction less administrative costs. If Mr. Hanley's request was approved with conditions (30 days) and he did not meet those conditions; the lien would revert to the original full lien amount of \$9,350.

Recommendation

That the Board approve the application for a full reduction of the Code Compliance Lien in the amount of \$9,350, contingent upon satisfaction of the conditions set forth below, and authorize the County Manager to confirm satisfaction of the conditions and approve the lien reduction on behalf of the County upon such confirmation:

1. The property is legally conveyed to the applicant; and
2. The applicant, as the new property owner, brings the property into full compliance with all requirements set forth in the Order entered in Case No. CE#2022-0055 within thirty (30) days after acquiring the property.

Justification

The current property owner has failed to remedy the violations affecting the property. Section 2-154 of the County Code authorizes the County Manager to negotiate a reduction of amounts due to the County after the violations have been fully remedied and upon request of the property owner. Final approval of a lien reduction requires action by the Board.

The applicant proposes to acquire the property and bring it into compliance with the requirements of the Order entered in Case No. CE#2022-0055. Approval of the requested lien reduction, conditioned upon the applicant acquiring the property and bringing it into full compliance within thirty (30) days after acquisition, provides an incentive for the applicant to proceed with the purchase and remedy the outstanding violations. Staff believes that facilitating the transfer of the property and achieving compliance is in the best interest of the County.

Accordingly, staff recommends that the Board approve the requested full lien reduction subject to the stated conditions and authorize the County Manager to confirm that the conditions have been satisfied and approve the reduction upon such confirmation.