

**RESOLUTION: 11-\_\_\_\_\_**

**FINANCIAL ASSISTANCE FOR THE REDEMPTION OF TAX CERTIFICATES ON HOMESTEAD PROPERTY RESULTING SOLELY, OR IN PART, FROM THE NONPAYMENT OF SPECIAL ASSESSMENTS LEVIED BY LEON COUNTY IN ITS CARDS AND 2/3 PROGRAMS FOR IMPROVEMENTS TO STREET, WATER, SEWER, STORMWATER, AND DRAINAGE SYSTEMS, AND FOR THE PAYOFF AND SATISFACTION OF ANY REMAINING BALANCE ON SUCH SPECIAL ASSESSMENTS**

**WHEREAS**, on April 25, 2006, the Leon County Board of County Commissioners (the "Board") adopted Resolution 06-14 in support of the Board's adoption of Policy 06-3, Homestead Loss Prevention Program (the "HLPP Policy"), which provides financial assistance as a last resort to property owners who face the potential loss of a homestead property resulting solely from the levy and nonpayment of a special assessment in the Board's two programs for improvements to streets and drainage systems and for installation of water and sewer systems (collectively the "2/3 Program"); and

**WHEREAS**, the Board, in Resolution 06-14, established that the prevention of the loss of an individual's homestead property is a paramount public purpose, especially when such loss results solely from the individual's inability to pay a special assessment levied by the County in its 2/3 Program and collected by the Tax Collector through the Uniform Method of Collection; and

**WHEREAS**, since the adoption of the HLPP Policy, a constitutional increase in the homestead exemption amount has likewise increased the number of property owners that, absent a Special Assessment, pay little or no taxes and, therefore, would more likely have difficulty paying a tax bill that included a Special Assessment; and

**WHEREAS**, since the adoption of the HLPP Policy, it has become apparent that, in order to accomplish the Board's original paramount public purpose, it will be necessary to expand the scope of the HLPP Policy to reflect the increased homestead exemption amount and make it applicable to the increased number of property owners that are most likely to be in need of the financial assistance; and

**WHEREAS**, it has also become apparent in implementing the HLPP Policy a public purpose would be served in the prevention of a future reoccurrence of the issuance of tax certificates on the same homestead property for nonpayment of a special assessment which, in turn, would reduce the potential financial impact to the County associated with any future financial assistance that might have been provided to such property owner; and

**WHEREAS**, since the adoption of the HLPP Policy the Board has also adopted a third special assessment program for stormwater control and drainage improvements and collectively renamed all three programs the County Acceptance of Roads and Drainage Systems Program (“CARDS Program”), which has resulted in the need to expand HLPP Policy to apply to the entire CARDS Program.

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

1. The prevention of the loss of an individual’s homestead property is a paramount public purpose, especially when such loss results solely, or in part, from the individual’s inability to pay a special assessment levied by the County in its CARDS and 2/3 Programs (the “Special Assessment”) and collected by the Tax Collector through the Uniform Method of Collection.
2. While the use of the Uniform Method of Collection is in the County’s best interest, it has the unintended consequence of jeopardizing an assessed owner’s homestead property in cases of financial hardship.
3. In order to continue the use the Uniform Method of Collection, while at the same time safeguarding against the loss of homestead properties in cases of financial hardship, the Board finds that it is of paramount public importance to establish a program to provide financial assistance to property owners as a means of last resort to avoid the loss of a homestead property due solely, or in part, to the levy and nonpayment of a Special Assessment.
4. A property owner may qualify for such financial assistance upon meeting the following criteria:
  - a. He or she must hold legal or beneficial title to the property, and be entitled to the homestead exemptions provided in Fla. Stat. §196.031(1);
  - b. The assessed value of the property must be no greater than \$75,000;
  - c. The property owner must first exhaust all possibility of qualifying for relief under the Homestead Property Tax Deferral Act (Fla. Stat. §§197.242);

d. The homestead property must not be subject to an existing or imminent legal action to foreclose a mortgage or other such secured claim, as evidenced by the absence of a recorded lis pendens against the property and the written confirmation of the property owner that there are no pending delinquencies of mortgage payments greater than 90 days; and

e. The loss of title to the homestead property must be imminent as evidenced by the property owner's receipt of the statutory notice informing the owner that an application for a tax deed has been made and that the owner's homestead property will be sold at public auction unless back taxes are paid.

5. The prevention of a future reoccurrence of the issuance of tax certificates on the same homestead property for nonpayment of a Special Assessment which, in turn, reduces the potential financial impact to the County associated with any future financial assistance that might have been provided to such property owner, represents a paramount public purpose and, in order to accomplish such public purpose, the financial assistance provided to a qualified property owner may include the amount necessary to pay off and satisfy any remaining balance of the Special Assessment not included in the redemption of the current tax certificates.

6. The financial assistance provided through the Program shall be in the form of a loan to the qualifying property owner in an amount no greater than (i) the amount necessary to redeem only those portions of the tax certificates associated with the Special Assessment, and (ii) the amount necessary to pay off and satisfy any remaining balance of the Special Assessment not included in the redemption of the current tax certificates, and such loan amount, together with accrued interest, shall be secured with a lien on the homestead property payable upon the occurrence of either of the following events:

a. a change in the use of the property such that the owner is no longer entitled to claim a homestead exemption for such property, or;

b. a transfer of ownership of the property by sale, probate, or other such conveyance except for a change in ownership to a surviving spouse when such spouse is eligible to claim the homestead exemption on such property.

7. The financial assistance provided through the Program is not intended to redeem any portion of the tax certificates associated with the nonpayment of ad valorem taxes or other special assessments not associated with the CARDS Program

8. It shall continue to be the responsibility of the property owner to pay any and all amounts not associated with the Special Assessments which may be necessary to redeem the tax certificates to prevent the sale of the homestead property by tax deed including, but not limited to, solid waste assessments, stormwater assessments, and ad valorem property taxes.

9. This Resolution shall supplement the provisions in the Board's Resolution 06-14; provided, however, that to the extent of any conflict between the provisions herein and Resolution 06-14, the provisions herein shall control.

**DONE AND ADOPTED** by the Board of County Commissioners of Leon County, Florida, on this the 22nd day of February, 2011.

LEON COUNTY, FLORIDA

By: \_\_\_\_\_  
John Dailey, Chairman  
Board of County Commissioners

ATTEST:  
  
Bob Inzer, Clerk of the Circuit Court  
Leon County, Florida

APPROVED AS TO FORM:  
  
Office Of The County Attorney  
Leon County, Florida

By: \_\_\_\_\_

By: \_\_\_\_\_  
County Attorney