

Lien Relief programs extended and amended to help non-residential properties

By Erin Mullen-Travis, Charlotte County Licensing Manager

The recent economic environment over the past 6 or 7 years led to a large number of properties subject to foreclosure actions. Property owners facing foreclosures tended to let the properties fall into a state of disrepair and unkempt condition which caused code compliance action to be initiated. As the foreclosures tended to drag out for years through the legal process, millions of dollars of liens were placed against properties which often resulted in the liens exceeding the value of the home.

These excessive code compliance liens were acting as an impediment to the sale and rehabilitation of properties. Another problem the Code Compliance division encountered was that numerous homes were never completed and were left abandoned. In addition, some owner-occupied properties fell into a state of disrepair or had expired permits which resulted in liens being filed.

Unfortunately, the property owners were not in a position to rectify their violations. As the economic climate improved more and more are prepared to bring the properties into compliance and would like to have the liens removed from their properties. The Code Compliance division recommended establishing a Lien Relief Program for Charlotte County. The division considers it to be in the best interest of the health, safety, and welfare of the citizens of Charlotte County to encourage the financial institutions who foreclose on the properties and current or prospective property owners to bring property into compliance with county codes. By reducing or releasing liens, the owners are better able to pay for the permits and repairs necessary to bring their property into compliance.

The lien reduction program allows property owners to apply for a reduction of code enforcement board liens encumbering their residential property. The program also is extended to non-owners with a purchase contract for affected properties. In this case an anticipatory lien reduction can be applied for.

The lien release program is for property owners who purchase property through a bank-owned sale, clerk's foreclosure auction sale or other judicially imposed sale. The release of any code enforcement board liens on their property may be applied for 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.

The revenues generated from this program are placed in the County's general fund to offset the cost of code enforcement and future abatement needs.

Originally approved by the Board of County Commissioners (BCC) in 2010 and extended in 2012, the lien release and relief programs were set to sunset this July. At the May 13, 2014 regular board meeting, the BCC approved an extension of the programs with no expiration date and an amendment to the program. The amendment now allows properties other than those that are residentially zoned such as agricultural and commercial zoned properties to apply for the program. This extends the lien relief to assist businesses and potential commercial ventures in Charlotte County. Applications and details of the programs are available on the website www.CharlotteCountyFL.gov on the building construction web pages.