

**Board of County Commissioners
Leon County, Florida**

Policy No. 06-3

Title: Homestead Loss Prevention Program

Date Adopted: September 23, 2014

Effective Date: September 23, 2014

Reference: Chapter 16, Article II, Improvements to Roads, Leon County Code;
Chapter 18, Article II, Division 2, Improvements to Water and Sewer
Disposal Systems, Leon County Code;
Chapter 18, Article IV, Division 2, Improvements to Stormwater Control
and Drainage Systems, Leon County Code;
Fla. Stat. §196.031, Exemption of Homesteads;
Fla. Stat. §196.101, Exemption for Totally and Permanently Disabled
Persons

Policy Superseded: Policy No. 06-3, "Homestead Loss Prevention Program," adopted
April 25, 2006; amended February 22, 2011

It shall be policy of the Board of County Commissioners of Leon County, Florida that Policy No. 06-3, "Homestead Loss Prevention Program," adopted April 25, 2006 and amended on February 22, 2011, is superseded, and an amended policy is hereby adopted, to wit:

Article 1

Authority, Intent, Purpose, and Scope

- A. The authority set forth herein is delegated to the County Administrator, or designee.
- B. The intent of this Policy, in accordance with the Board's findings and declarations set forth in Resolutions 06-14, 11-09, and 14-48, the contents of which are incorporated herein by this reference, is to establish the Homestead Loss Prevention Program to provide financial assistance as a last resort to an Owner facing the imminent loss of his or her Homestead Property by tax deed sale resulting from the nonpayment of a Special Assessment or the financial impact of being totally and permanently disabled, and to prevent, with as little fiscal impact to the County as possible, any anticipated recurrence of the potential loss of such Owner's Homestead Property by tax deed sale in the future.
- C. The purpose of this Policy is to establish a uniform and clear policy and procedure to insure proper accountability and legal consistency in administering and managing the Program. These policies and procedures shall be followed, along with all applicable laws and professional ethics, in order to insure fair and equitable treatment to the County, the general public, and all affected participants.

- D. This Policy shall govern any and all provision by the County of financial assistance to property owners for the redemption of tax certificates on homestead property resulting from nonpayment of a Special Assessment or the financial impact of being totally and permanently disabled. Furthermore, this Policy shall provide the exclusive policy and procedure for providing any such financial assistance, and shall supersede any and all provisions of other Board policies to the extent that such other provisions may be inconsistent with this Policy.

**Article 2
Definitions**

- A. 2/3 Program: the program established by ordinance and codified in the Leon County Code as Chapter 16, Article II and Chapter 18, Article II, Division 2, which collectively provides for the improvement of roads, water, and sewage disposal systems within the unincorporated area of the County.
- B. Agreement: the Agreement for Financial Assistance and Repayment, in such form as shall be approved by the County Attorney, executed by an Owner and recorded as a lien on the Homestead Property of the Owner, and which provides the terms of repayment by the Owner of any financial assistance advanced by the County in accordance with the Policy.
- C. Applicant: an Owner, or his or her authorized representative, who applies for financial assistance pursuant to the Program.
- D. Application: the Applicant's written request for financial assistance pursuant to the Program, in such written form as shall be approved by the County Attorney.
- E. Assessed Value: the assessed value of a Homestead Property, as determined by the Leon County Property Appraiser, upon which the Tax Collector relies in establishing the amount of real property taxes due and payable by an Owner.
- F. Board: the Leon County Board of County Commissioners.
- G. CARDS Program: the programs established by ordinance and codified in the Leon County Code which result in the "County Acceptance of Roads and Drainage Systems" which, in addition to the 2/3 Program, includes the program codified in the Leon County Code as Chapter 18, Article IV, Division 2, which provides for improvements to stormwater control and drainage systems within the unincorporated area of the County.
- H. County: Leon County, Florida, a charter county and political subdivision of the State of Florida.
- I. Health and Human Services: the Leon County Department of Health and Human Services.
- J. Homestead Property: the Owner's real property that is scheduled to be sold pursuant to a Notice of Application for Tax Deed.
- K. Homestead Property Tax Deferral Act: the statutory provision, at Fla. Stat. §197.242 or as may be amended from time to time, which entitles qualified persons to elect to defer payment of a portion of the combined total of the ad valorem taxes and any non-ad valorem special assessments levied on that person's homestead.

- L. Notice of Application for Tax Deed: the statutory notice prescribed by Fla. Stat. §197.522, or as that section may be amended from time to time, 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.
- M. Owner: a person who has legal or equitable title to real property for which an exemption from taxation has been granted by the Property Appraiser pursuant to either Fla. Stat. §196.031, regarding exemption of homesteads, or Fla. Stat. §196.101, regarding exemption for totally and permanently disabled persons; such legal or equitable title may held by the entireties, jointly, or in common with others.
- N. Policy: the Homestead Loss Prevention Program as adopted by the Board on April 25, 2006, amended on February 22, 2011, and amended on September 23, 2014.
- O. Program: the Homestead Loss Prevention Program.
- P. Property Appraiser: the Leon County Property Appraiser.
- Q. Qualifying Tax Year: the tax year in which the sale occurred of the oldest tax certificate to be redeemed with the financial assistance sought by the Applicant.
- R. Special Assessment: a special assessment levied by the Board pursuant to its CARDS Program, which includes the 2/3 Program.
- S. Tax Collector: the Leon County Tax Collector.
- T. Written Procedures: the uniform and clear written procedures developed and maintained for implementation of the Board's directives in this Policy.

**Article 3
Responsible Departments**

- A. The County Administrator, or designee, shall be charged with the responsibility of developing and maintaining uniform and clear written procedures for managing and administering the Board's directives in this Policy.
- B. The Director of Health and Human Services shall be charged with the responsibility of managing and implementing the provision of the financial assistance in accordance with the directives in this Policy and the Written Procedures;
- C. The County Attorney, or designee, shall be charged with the following responsibilities:
 - 1. Preparing, reviewing, and approving the form of any and all legal documents necessary for the implementation of the directives in this Policy and the Written Procedures;
 - 2. Providing legal advice, as necessary, in the development of the Written Procedures; and
 - 3. Providing legal support, as necessary, in the enforcement of the Owner's obligations pursuant to the terms of the Agreement for financial assistance.

Article 4
Tax Deed Sale Due to Special Assessment

- A. Any Owner facing the imminent loss of his or her Homestead Property by tax deed sale resulting from the nonpayment of a Special Assessment, or his or her authorized representative, may submit to Health and Human Services a duly executed Application seeking financial assistance pursuant to the Program to prevent such loss.
- B. Upon receipt of the duly executed Application, Health and Human Services shall determine whether the Owner qualifies for such financial assistance by satisfying the following criteria:
1. The Owner's Homestead Property must be subject to a tax certificate resulting solely, or in part, from the nonpayment of a Special Assessment;
 2. The loss of the Owner's Homestead Property must be imminent as evidenced by the Owner's receipt of the Notice of Application for Tax Deed;
 3. The Assessed Value of the Owner's Homestead Property for the Qualifying Tax Year must be no greater than Seventy-Five Thousand and 00/100 Dollars (\$75,000);
 4. The Owner must provide evidence that he or she previously applied with the Tax Collector for relief under the Homestead Property Tax Deferral Act in the tax year for which the tax certificate was sold, and that such application for relief resulted in either: (i) rejection for not meeting the January 31 deadline, (ii) disapproval of the application in whole, or (iii) approval of relief in an amount insufficient to defer the entire amount of taxes due; and
 5. The Owner's 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 Homestead Property and the written confirmation of the property owner that there are no pending delinquencies of mortgage payments greater than 90 days.
- C. The Applicant must provide written acknowledgment that the payment of 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 shall be the responsibility of the Owner and shall be delivered to Health and Human Services at the time of signing the Agreement in the form of a cashier's check made payable to the Tax Collector.
- D. Upon confirmation that the Owner qualifies for such financial relief under this Article 4, Health and Human Services shall be responsible for providing the Owner with documentation and guidance as necessary for the Owner to obtain the financial assistance and redeem the tax certificate in a manner sufficient to prevent the sale of the Owner's Homestead Property by tax deed.

Article 5
Tax Deed Sale Due to Total and Permanent Disability

- A. Any Owner facing the imminent loss of his or her Homestead Property by tax deed sale resulting from the financial impact of being totally and permanently disabled, or his or her authorized representative, may submit to Health and Human Services a duly executed Application seeking financial assistance pursuant to the Program to prevent such loss.
- B. Upon receipt of the duly executed Application, Health and Human Services shall determine whether the Owner qualifies for such financial assistance by satisfying the following criteria:
 - 1. The Owner, as of the date of the Application, must have been granted an exemption from taxation for the Homestead Property pursuant to Fla. Stat. §196.101, based on one of the following conditions:
 - a. The Owner is a quadriplegic; or
 - b. The Owner is a paraplegic, hemiplegic, or any other totally and permanently disabled person who must use a wheelchair for mobility or who is legally blind; provided, however, that such Owner must also satisfy the income limitations pursuant to Fla. Stat. §196.101(4)(a);
 - 2. The loss of the Owner's Homestead Property must be imminent as evidenced by the Owner's receipt of the Notice of Application for Tax Deed
 - 3. The Owner's 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 Homestead Property and the written confirmation of the property owner that there are no pending delinquencies of mortgage payments greater than 90 days.
- C. Upon confirmation that the Owner qualifies for such financial relief under this Article 5, Health and Human Services shall be responsible for providing the Owner with documentation and guidance as necessary for the Owner to obtain the financial assistance and redeem the tax certificate in a manner sufficient to prevent the sale of the Owner's Homestead Property by tax deed.

Article 6
Agreement for Financial Assistance and Repayment

- A. Before proceeding with the provision of financial assistance to the Owner, each Owner shall execute and deliver to Health and Human Services an Agreement for Financial Assistance and Repayment, in a form to be developed at the discretion of the County Attorney in the best interests of the County to include, but not be limited to, the following:
 - 1. an acknowledgment that the Owner has received the Notice of Application for Tax Deed;
 - 2. an acknowledgement that, with regard to financial assistance to prevent a tax deed sale due to a Special Assessment, the Owner has previously applied with the Tax Collector for relief under the Homestead Property Tax Deferral Act, and that such application for relief resulted in either: (i) disapproval of the application in whole, or (ii) approval of relief in an amount insufficient to defer the entire amount of taxes due;

3. an acknowledgment that the Agreement shall be recorded as a lien against their Homestead Property, and that they will remain personally liable for the repayment of any and all amounts of financial assistance provided in the Agreement;
 4. an acknowledgement that, with regard to financial assistance to prevent a tax deed sale due to a Special Assessment, the amount of financial assistance provided in the Agreement shall be limited to: (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.
 5. the Owner's obligation to pay an annual finance charge, at the going rate in an amount not to exceed the maximum amount allowed by law, on any outstanding amounts of financial assistance remaining to be paid;
 6. the Owner's obligation to repay any and all outstanding amounts of financial assistance remaining to be paid in the Agreement, plus any accrued interest, upon the occurrence of either of the following events: (i) a change in the use of the Owner's Homestead Property such that the Owner is no longer entitled to claim a homestead exemption for such property pursuant to Fla. Stat. Chapter 196, or (ii) any change in the ownership of the Owner's Homestead Property, except for a change in ownership to a surviving spouse when such spouse is eligible to claim the homestead exemption on such property pursuant to Fla. Stat. §196.031(1); and
 7. the Owner's obligation to pay any and all attorney's fees and costs incurred by the County in any action to enforce repayment of any delinquent amounts of financial assistance provided in the Agreement
- B. Upon the receipt by Health and Human Services of an Agreement duly executed by an Owner, Health and Human Services shall be responsible for timely delivering to the Tax Collector the amounts of financial assistance as provided in the Agreement, and for assuring that the payment of such amounts to the Tax Collector are adequate to prevent the sale of the Owner's Homestead Property by tax deed.
- C. In the event any amount of financial assistance provided in the Agreement, plus accrued interest, remains unpaid for more than ninety (90) days after becoming due and payable, such amount shall be deemed delinquent and the County Attorney shall thereafter be authorized to commence, if in the best interest of the County, any legal action available by law for the recovery of the delinquent amount.

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