



## SPECIAL ASSESSMENT LIEN MODIFICATION PROGRAM

Pursuant to City Council Resolution 2021-457, the Mayor or his Designee, (the Person Officially Designated ("POD"), currently the Billing & Collections Department) is authorized to settle and release Special Assessment Liens by waiving interest on Special Assessment Liens upon the payment of the principal amount due, and in certain instances release all or a portion of the principal amounts, or accept conveyance of certain real property encumbered by City Special Assessment Liens, in accordance with the Special Assessment Lien Modification Program. The intent of the Program is to promote reinvestment and revitalization of property by providing a property owner reasonable relief from burdensome accumulated interest on existing Special Assessment Liens provided the property is currently being maintained, in accordance with the City Code (i.e. has no active codes enforcement cases).

### Conditions for application:

1. Only the owner of the subject property ("Property") may apply.
2. Applicant shall affirm that at the time the Special Assessment Lien(s) were incurred, they were not an owner of the Property, an agent or other representative of the owner of the Property, related to the owner of the Property, or an officer, director, employee or agent of an entity that owned the Property.
3. The attached application must be complete to be accepted, along with a non-refundable application fee of \$250.00 paid at time of application submission.
4. Additional fees for recording/releasing the Special Assessment liens, in accordance with City of St. Petersburg City Code, Chapter 12-9 Other Service Fees, must also be paid by the applicant.
5. Pursuant to City Council Resolution 2021-457, and Chapter 170 of the Florida Statutes, the applicant is hereby informed that the City has no power or authority to compromise, reduce, abate, or cancel special assessments and/or any interest imposed for the following special assessment categories: *Sanitary Sewer, Area Improvement, Paving, Sidewalk, Drainage, Dredging, and Seawall*. The property owner at the time these assessments were imposed was afforded the opportunity to protest the above-described special assessments at a public hearing during the assessment procedure prior to confirmation of the special assessment by the City Council. These categories of special assessments, as confirmed by City Council, remain a lien on the real property even if the property is subsequently conveyed to a new owner. After the confirmation of the special assessments by City Council, the property owner's sole recourse for any challenge to special assessments imposed pursuant to F.S. 170.01, and/or interest thereon, is through the court system.
6. Any Waiver or forgiveness of interest or principal, either full or partial, shall cause the property to be subject to Article IV, Chapter 17.5 – Accessibility in Housing Constructed with Public Funds of the St. Petersburg City Code.
7. Properties in which a Lis Pendens has been filed in a City-initiated foreclosure are not eligible to participate in the Special Assessment Lien Modification program.

## PROGRAM OPTIONS

### **OPTION A: Interest Waiver upon payment of all Special Assessment Lien Principal**

The following Criteria shall be utilized to waive interest and release Special Assessment Liens upon the payment of all Special Assessment Lien principal amounts:

- A.1. City shall waive the interest portion of Special Assessment Liens (except for capital improvement assessments pursuant to Chapter 170, F.S.) upon payment of Principal amount;
- A.2. Only interest accrued on Special Assessment Liens levied on the property prior to Applicant's acquisition of the property shall be waived. Any additional Special Assessment Liens levied under the current ownership must be paid in full (principal and interest) prior to or contemporaneous with making application; and
- A.3. Property is currently being maintained in accordance with the City Code.

### **OPTION B: Alternative Application (Offer of Deed-in-Lieu of Paying Special Assessment Liens).**

In lieu of making an application for release of Special Assessment Liens, the owner may offer to convey the property to the City, and the City may accept conveyance of the property in lieu of paying the Special Assessment Liens where:

- B.1. There is *clear unencumbered title* as demonstrated by the Applicant;
- B.2. There is approval of the conveyance by the Real Estate & Property Management Department ("Real Estate") in accordance with City Real Estate policy, including, but not limited to investigation of items that would disqualify the property from being conveyed to the City, including, but not limited to substantive real estate taxes owed, title concerns, contamination, property in litigation or bankruptcy proceeding; and
- B.3. The Mayor, or the City Administrator authorizes Real Estate to proceed with the acquisition without additional City Council action including the payment of reasonable and customary closing related costs and real estate taxes.

### **OPTION C: Principal Reduction when the Just/Market Value is less than the Special Assessment Lien principal amount.**

The POD is authorized to reduce the principal amount for certain specific instances subject to conditions using the following criteria:

- C.1. Applicant must have planned new construction, substantive rehab, or development that will increase the tax base, result in job creation, or have other significant economic benefit to the City to support the request to waive any principal. Any release authorized will be effective only upon completion of the substantive rehab, new construction or development presented as evidenced by a final inspection, certificate of occupancy or similar documentation. An agreement for the release of Special Assessment Liens will be used if necessary;
- C.2. Applicant may apply for a reduction or release of principal in situations where the current Pinellas County Property Appraiser's market value of a vacant parcel of land is less than the Special Assessment Lien amount. In such case, the Applicant would pay the principal amount of the Special Assessment Lien or the Pinellas County Property Appraiser's market value or a state certified independent real estate appraiser's market value of the property, whichever is less, in full settlement of the Special Assessment Lien with interest and any

principal released upon completion of substantive rehab or new construction and compliance with all terms of an agreement to release said Special Assessment Liens, subject to any such appraisals being reviewed by Real Estate prior to acceptance;

**C.3.** Release of any principal amount greater than \$10,000 shall require approval of City Council.

**OPTION D: Removal of Principal and Interest on Special Assessment Liens and recommendation of release of Code Enforcement Board Liens.**

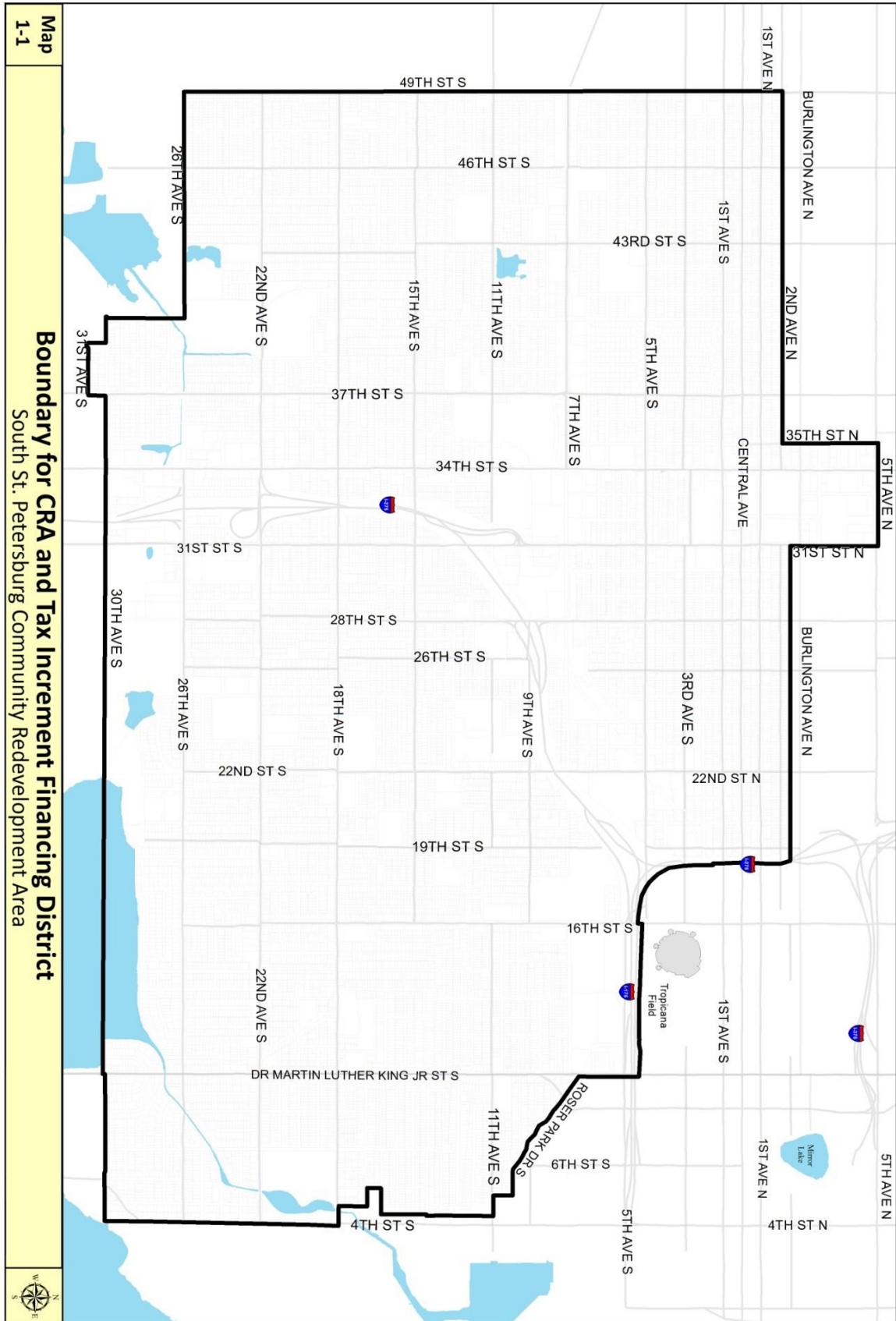
The POD may approve removal of the principal and interest amounts subject to a Development Agreement for Release of Special Assessment Liens ("Development Agreement") for properties located within the South St. Petersburg Community Redevelopment Area (see attached map), in accordance with the following:

- D.1.** The intent of this section is to encourage new construction to further the goals of the South St. Petersburg Community Redevelopment Area;
- D.2.** If an application under this Option D is approved, the Development Agreement shall require an administrative fee of \$1,000 payable at the time of execution of the Development Agreement. These fees shall not be refundable under any circumstances, except for as set forth in subparagraph D.3;
- D.3.** The City may refund the \$1,000 administrative fee upon completion of the issuance of a certificate of occupancy for the proposed improvements if the fee owner records a restrictive covenant, in a form to be determined by the City Housing & Community Development Department, which restricts occupancy of the improvements to be affordable to those making not more than 120% of area median income for a period of five years.
- D.4.** The "Option D Effective Date" shall be the day the City transmits notification, either by email or letter, to an applicant that an Option D application has been approved.
- D.5.** Only Special Assessment Liens levied on the property prior to Applicant's acquisition of the property shall be considered. Any additional Special Assessment Liens levied under the current ownership must be paid in full (principal and interest) prior to or contemporaneous with making application;
- D.6.** A Developer must return an executed Development Agreement within 30 days of the Option D Effective Date in order to be eligible to continue the Option D program.
- D.7.** Any authorized release of Special Assessment Liens shall only be effective:
  - i. Upon the issuance of a certificate of occupancy for the proposed improvement within 365 days from the date of the Option D Effective Date and in compliance with all terms of said Development Agreement that will be administered by the POD (currently Housing & Community Development Department); or
  - ii. Upon the Developer providing to the City a Financial Guarantee Bond ("Bond"), an irrevocable letter of credit ("LOC"), or funds deposited in an escrow account pursuant to a written escrow agreement ("Agreement") in a form approved by the City and meeting the following criteria:
    - a. Payment in an amount equal to the outstanding balance of the Special Assessment Liens (principal and interest) shall be made to the City from the issuer of the Bond or LOC or the escrow agent if the Developer fails to obtain a certificate of occupancy for the property pursuant to the Developer Agreement within 365 days from the date of the Developer Agreement.
    - b. Bond shall be executed by a surety company duly authorized to do business in the state of Florida and have a rating no lower than "A"- by A.M. Best or a similar rating

agency approved by the City.

- c. LOC shall be issued by a Qualified Public Depository (as defined in Section 280 Florida Statutes). If applicant submits a LOC, the LOC shall automatically renew for one year on each anniversary of the Agreement Date unless earlier released by the City.

# South St. Petersburg Community Redevelopment Area Map



## SPECIAL ASSESSMENT LIEN MODIFICATION APPLICATION

<b>SUBJECT PROPERTY INFORMATION</b> <i>(all information is required)</i>	
Street Address:	
Parcel Id Number:	
Total Lien Amount Due:	
Principal Amount Due:	Interest Amount Due:
<b>APPLICANT INFORMATION</b> <i>(all information is required)</i>	
Property Owner & Applicant Name:	
Mailing Address:	
City, State, Zip:	
Telephone:	
Email:	
<i>Applicant has reviewed the Special Assessment Lien Modification Program Options and Selects:</i>	<b>Option Selection</b> _____
<p><b>AFFIDAVIT:</b> Applicant affirms that Applicant was not, at the time the Special Assessment Lien(s) were incurred:</p> <ol style="list-style-type: none"> <li>1. An owner of the Property</li> <li>2. An agent or other representative of the owner of the Property</li> <li>3. Related to the owner of the Property; or</li> <li>4. An officer, director, employee or agent of an entity that owned the Property</li> </ol>	
_____ Applicant Name (Print)	_____ Applicant Signature
STATE OF FLORIDA COUNTY OF PINELLAS	
The foregoing instrument was sworn to and subscribed before me, by means of <input type="checkbox"/> physical presence or <input type="checkbox"/> online notarization this ___ day of _____, 20__ by _____, who [ ] is personally known to me or [ ] has produced _____ as identification.	
Notary Public: _____	
Printed Name: _____	[Notary Seal]

Special Collections Staff:

Received by: \_\_\_\_\_ Date: \_\_\_\_\_