



Legislation Text

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File #: 24-307, Version: 1

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## CITY COUNCIL AGENDA ITEM

Memo Date: May 21, 2024  
Agenda Date: July 9, 2024  
Prepared By: Darla Crowl, (Code Enforcement Coordinator)  
Through: Evander Collier, IV, (Police Chief)  
Requested Action:

Approve the current Code Enforcement Lien for the property located at 3629 E Malory Ct., be reduced to **\$3,078.65** as recommended by the Code Enforcement Board.

### **BACKGROUND:**

#### **CASE # 22-503**

**Code Enforcement Offense:** The owner, RESICAP Florida Owner II LLC, was found to be in violation of "Accum. Of Trash and Litter, Sec. 6-900 (b) (1) (a-d), Landscape Requirements, App. A Art. XIII, Sec. 22 (a-i), Permit Required (fences), App. A Art. XIII, Sec. 5 (c), Protective Treatment, Sec. 6-1003 (b), Storing Outdoors, Sec. 6-900 (b) (11), Clearance of Land Required, Sec. 6-901, Permit Required, App. A Art. XV Sec. 2(a), and Storing Vehicles, Sec. 6-900 (b) (8), by the Code Enforcement Board during a public hearing held on *January 19, 2023*.

#### **Violation Details:**

- **Type:** 1<sup>st</sup> Offense Violation(s)
- **Penalty Imposed:** \$200.00 per day
- **Duration:** From 2/18/2023 to 6/7/2023
- **Total Fine:** \$21,810.00

**Lien Reduction Request:** RESICAP Florida Owner II LLC is requesting a reduction of the lien to no more than **\$5,000.00**.

The Code Enforcement Board at the regular meeting May 16, 2024, recommended that the fine be reduced to **\$3,078.65**.

### **RECOMMENDED MOTION**

Approve the current Code Enforcement Lien for the property located at 3629 E Malory Ct, be reduced to **\$3,078.65** as recommended by the Code Enforcement Board

#### **Factors Considered for Lien Reduction (Section 6-707 of the City Code):**

1. The gravity of the violation
2. The time in which it took the violator to come into compliance

3. The accrued amount of the code enforcement fine or lien
4. Any previous or subsequent code violations
5. Any financial hardship
6. Any other mitigating circumstance which may warrant the reduction or satisfaction of the penalty or fine

**Staff Assessment and Findings:**

- **Ownership at Time of Violation:** Yes, the current owner owned the property when the violations occurred.
- **Residency:** The property is used as a single-family rental.
- **Number of Violations:** 8
- **Number of Inspections:** 21
- **Property Taxes:** Paid through 2023
- **Other Liens:** No outstanding liens, including water liens
- **Property Condition:** Inspected on *July 9, 2024*, and found in compliance before the Code Board Hearing; another inspection will occur prior to the Council Meeting.
- **Current Market Value:** \$233,940 (Brevard County Property Appraiser, categorized as Single-Family Residence)
- **Staff Cost:** \$3,078.65

**Council Procedure:** After a recommendation is rendered by the Code Enforcement Board, the city council may:

- Approve
- Approve with conditions
- Deny the application to satisfy or release the lien

If approved with conditions, the satisfaction or release of the lien will not be prepared or recorded until the conditions are met. The violator has thirty (30) days to comply with the conditions. Failure to comply will result in automatic denial of the application. If denied, or automatically denied due to non-compliance, the violator is barred from reapplying for a reduction or forgiveness of the lien for one year from the date of denial. During this period, the lien can only be satisfied by full payment of the fine or penalty imposed.

**PRIORITY AREA CONNECTION:**

Public Safety/Community Standards.

**BUDGETARY IMPACT:**

Budgeted	N/A
If not budgeted, is amendment/transfer attached?	N/A

**PREVIOUS ACTION:**

The Code Enforcement Board, at its regular meeting May 16, 2024, recommended that the lien be

reduced to \$3,078.65.