

**ADMINISTRATIVE CODE
BOARD OF COUNTY COMMISSIONERS**

CATEGORY: MSTBU	CODE NUMBER: AC-3-23
TITLE: MSBU Penalty Waiver	ADOPTED: 07/11/00
	AMENDED: 11/02/04; 08/09/05
	ORIGINATING DEPARTMENT: Public Resources/MSTBU Services

PURPOSE/SCOPE:

This Administrative Code is established for the purpose of implementing a Penalty Waiver Policy for MSBU Programs.

POLICY/PROCEDURE:

A. PENALTY WAIVER

- (1) The MSTBU Office will review the requests on a case-by-case basis and retains the right to approve or deny. Consideration will only be given to residential/homesteaded properties, which have an MSBU special assessment lien on it, or those properties where the current owner(s) purchased the parcel through a tax deed auction within the past 18 months.
- (2) Any penalty clause within the Creation or Final Assessment documents of a specific project will take precedence over this administrative code.
- (3) The penalty can be waived if a) the account is paid in full in one payment, or b) if a payment plan executed between the MSTBU Office and the property owner, and complied with, bringing the account current within one year. Should an additional bill be run in that time, consideration will be given to extending the payment plan.
- (4) Penalty can only be waived one time for any given project/property.
- (5) Penalty cannot be waived if the MSTBU Office has sent a certified letter to the property owner and the property owner has not responded as per the letter, or if the account has been turned over to the County Attorney's office for action.
- (6) If an account has been turned over to the County Attorney's office, the County Attorney has the option of waiving penalty.
- (7) Payments received will be applied directly to the interest and principal amounts of the account. When the account is current the MSTBU Office will delete the accrued penalty. Should the property owner fail to meet with the agreed payment plan, no penalty will be waived, and no further consideration will be given for a penalty waiver.
- (8) Any property with an executed payment plan must be paid in full upon the sale, transferred through an estate, or title/name changed, in order to have the penalty waived.

Any property owner who currently participates in the Lee County Solid Waste Hardship program for garbage can have penalty waived if the interest due is current and/or a payment plan for interest is agreed to. Penalty Waiver in a hardship case can be applied for annually. Documentation of hardship status approved by the Lee County Solid Waste Department must be provided to the MSTBU office annually. The penalty waiver will become null and void upon sale and/or transfer of title of the property.