

OFFICE OF THE SPECIAL MAGISTRATE
100 WEST ATLANTIC BOULEVARD SUITE #420
POMPANO BEACH, FLORIDA 33060
FAX - (954) 786-5530

APPLICATION FOR RELIEF

* No application will be accepted or processed unless all violations on the property have been placed in compliance by Code Enforcement.

CASE # _____

CITY OF POMPANO BEACH VS. _____
(Respondent as listed on recorded Order of Imposition of Fine & Claim/Lien)

NAME OF APPLICANT: (Print) _____
(person to attend Hearing)

ADDRESS OF APPLICANT: _____
(full mailing address)
for ALL future Orders

PHONE NUMBER: _____

ADDRESS OF PROPERTY: _____
(where violation(s) existed)

NATURE OF VIOLATION: _____

THIS PROPERTY CURRENTLY IS _____ IS NOT _____ (CHECK ONE) INVOLVED IN LITIGATION

All Applications for Relief MUST have the following documentation provided as part of the application to be reviewed if the relief requested is based upon a Foreclosure of the subject property and its effect on the City's Code Liens.

1. A copy of the Notice of Lis Pendens recorded with Broward County Records with the date, book and page shown;
2. A copy of the Foreclosure Complaint;
3. A copy of the Final Summary Judgment of Foreclosure, with the recording date, book and page shown;
4. A copy of the new Certificate of Title, with the recording date, book and page shown;
5. A copy of the City's Order of Imposition of Fine and Claim of Lien with the recording date, book and page shown.

Please provide a copy of these requirements with all requested Applications for Relief.

WHY RELIEF SHOULD BE GRANTED (This section MUST be completed): _____

(Attach additional pages if needed along with any supporting documentation.)

NAME OF ATTORNEY: _____
IF APPLICABLE-Information to be completed by attending Attorney ONLY

ADDRESS OF ATTORNEY: _____

PHONE NUMBER: _____

I CERTIFY THAT I am the current owner of the subject property or an Attorney for said owner or, that I am the legal representative for the property or otherwise authorized to act on behalf of the property owner in this matter.

Signature of Applicant/Attorney

Date

(NOTE: Proof of such lawful authority or written authorization from the property owner must be provided by the applicant prior to this matter proceeding to hearing before the Special Magistrate.)

Judicial Circuit of Florida in and for Broward County, Florida. An appeal must be filed within thirty (30) days of the rendition of the Order to be appealed. An Order is deemed to have been rendered when signed. An appeal of a Final Order directing corrective action shall not deprive the Special Master of jurisdiction to conduct a penalty hearing or to impose a fine or penalty, unless the Circuit Court hearing the appeal shall issue a stay order, and a certified copy of the stay order shall be delivered to the Clerk or to the Special Master prior to the penalty hearing.

Section IV - Applications for Relief – The Special Master is authorized by the City Commission to provide relief from liens established by a Special Master or prior City Code Enforcement Board.

1. Application - A signed Application for Relief from any Order Imposing a Fine by a Special Master or by a prior Code Enforcement Board may be filed with the Clerk for the Special Master. In order for the Clerk to process an Application for Relief, all the violations in the original case must be in compliance and the application must include:
 - A. Name and address of applicant. If represented by an attorney, the name and address of the attorney must also be given; and the attorney must either file a Notice of Appearance, or must sign the application.
 - B. Address or brief legal description, or both, of the property on which the violation occurred.
 - C. Sufficient information (which should include nature of violation, date or approximate date on which violation occurred, date or approximate date on which finding of violation was made or on which penalty was imposed, and file number) for the Clerk to identify the file. A copy of the order should be attached.
 - D. A brief explanation of the relief sought, along with any supporting documentation and evidence.
2. Initial Consideration – No application shall be accepted or processed unless the Code violations on the subject property have been brought into compliance. The Special Master shall not grant relief to any Respondent whose property is subject of any pending foreclosure proceedings filed by the City Attorney’s Office without the expressed written consent of the City Attorney’s Office. The Clerk shall provide a copy of the application to the City for review and to the appropriate Department, both of which may file a response directed to the Clerk. The Clerk shall provide the Respondent with a copy of the response.
3. Hearing – The application will be set for the next available hearing date after the application is reviewed and processed. If all compliance requirements have been met, the Clerk may set a hearing, at which time the Special Master may consider the application and the City's response. The Clerk shall notify the attorney or representative for the

applicant, or the applicant if there is no attorney, by U.S. First Class Mail, and the City, both not less than seven (7) days prior to the scheduled hearing. No such hearing shall proceed if the property is not currently in compliance.

4. Determination - The Special Master shall enter an Order denying or granting the requested relief, or such relief as the Special Master may deem proper, and may direct such action as may be appropriate to effect the ordered relief. The Special Master shall consider all relevant factors to determine what relief, if any, is appropriate including, but not limited to:
 - A. The nature and gravity of the violation;
 - B. Any actions taken by the Respondent to correct the violation;
 - C. The length of time between the previously ordered compliance date and the date the violation was brought into compliance;
 - D. Any actual costs expended by the Respondent to cure the violation as provided by supporting documentation.
 - E. Any other prior or current violations committed by the Respondent on the subject property or upon any other property owned by the Respondent within the City.
5. Any relief granted shall be contingent upon payment of any outstanding amounts within a specified time period. Failure to provide valid payment to the City within the specified time period shall cause the original penalty(s) to reinstate
6. If relief is denied because the property is not currently in compliance, such denial shall be without prejudice to refile the application. Copies of the Order shall be furnished both to the City and to the Respondent and may be served by U. S. First Class Mail.
7. If relief is denied based upon the merits of the claim, such denial shall be with prejudice to rehear the matter.
8. Appeal – Relief under this section is strictly discretionary by the Special Master, and the Special Master’s disposition of an Application for Relief might not be subject to appeal.
9. The City Commission may grant relief, conditioned upon compliance within a specified time period, for property that is not in, or cannot be placed in, compliance, in exceptional circumstances.

Section V - Internal Special Master Rules