

**ADMINISTRATIVE CODE  
BOARD OF COUNTY COMMISSIONERS**

**CATEGORY:**

**CODE NUMBER:**

Human Services

AC-15-3

**TITLE:**

Lee County's HUD Community Development Block Grant and HOME Programs Land Acquisition Policy

**ADOPTED:**

11/14/90

**AMENDED:**

4/28/93

**ORIGINATING DEPARTMENT:**

Human Services

**PURPOSE/SCOPE:**

The purpose is to meet the requirements of the HUD Community Development Block Grant Entitlement and HOME program by the development and implementation of a required Local Land Acquisition Plan.

**POLICY/PROCEDURE:**

Lee County's Land Acquisition Plan will follow the requirements of 49 CFR Part 24, Uniform Relocation Assistance and Real Property Acquisition Regulations for Federal and Federally Assisted Programs; 24 CFR Part 92.353 HOME Program Displacement, Relocation, and Acquisition Regulations- 24 CFR 570.606, CDBG Program Relocation Displacement and Relocation Regulations; Lee County's Residential Anti-Displacement and Relocation Assistance Plan; and, County Administrative Code, AC-5-8, Responsibility for Real Property Acquisition, Rules of Negotiations, and Requirements for Board Approval.

It is the responsibility for the Office of County Lands to purchase all real property and easements as required for all County administered projects. However, it is the responsibility of Board-approved CDBG and HOME program subrecipients and affordable housing developers to purchase land for program eligible projects.

- (a) **Standard of appraisal.** The format and level of documentation for an appraisal depends on the complexity of the appraisal problem. Lee County's minimum standards for appraisals will be consistent with established and commonly accepted appraisal practices for those acquisitions which, by virtue of their low value or simplicity, do not require the in-depth analysis and presentation necessary in a detailed appraisal. A detailed appraisal shall be prepared for all other acquisitions. All appraisals will follow generally accepted appraisal practices and will be in accordance with professional standards that are generally accepted in the appraisal industry and major appraisal disciplines. A detailed appraisal shall reflect nationally recognized appraisal standards, including to the extent appropriate, the Uniform Appraisal Standards for Federal Land Acquisition. An appraisal shall contain sufficient documentation, including valuation data and the appraiser's analysis of the data, to support his or her opinion of value. At a minimum, a detailed appraisal shall contain the following items:

- (1) The purpose and/or the function of the appraisal, a definition of the estate being appraised and a statement of the assumptions and limiting conditions affecting the appraisal.

- (2) An adequate description of the physical characteristics of the property being appraised (and, in the case of a partial acquisition, an adequate description of the remaining property), a statement of the known and observed encumbrances, if any, title information, location, zoning, present use, an analysis of highest and best use, and at least a 5-year sales history of the property.
  - (3) All relevant and reliable approaches to value will be consistent with commonly accepted professional appraisal practices. When sufficient market sales data are available to reliably support the fair market value for the specific appraisal problem encountered, Lee County at its discretion, may require only the market approach. If more than one approach is utilized, there shall be an analysis and reconciliation of approaches to value that are sufficient to support the appraiser's opinion of value.
  - (4) A description of comparable sales, including a description of all relevant physical, legal, and economic factors such as parties to the transaction, source and method of financing, and verification by a party involved in the transaction.
  - (5) A statement of the value of the real property to be acquired and, for a partial acquisition, a statement of the value of the damages and benefits, if any, to the remaining real property, where appropriate.
  - (6) The effective date of valuation, date of appraisal, signature, and certification of the appraiser.
- (b) Influence of the project on just compensation. To the extent permitted by applicable law, the appraiser shall disregard any decrease or increase in the fair market value of the real property caused by the project for which the property is to be acquired, or by the likelihood that the property would be acquired for the project, other than that due to physical deterioration within the reasonable control of the owner.
  - (c) Owner's retention of improvements. If the owner of a real property improvement is permitted to retain it for removal from the project site, the amount to be offered for the interest in the real property to be acquired shall, be not less than the difference between the amount determined to be just compensation for the owner's entire interest in the real property and the salvage value of the retained improvement.
  - (d) Qualifications of appraisers. Lee County has established criteria for determining the minimum qualifications of appraisers. This criteria is as follows: The appraiser must have a seniors designation or its equivalent in any of Florida's accepted appraisal organizations as per Section 253.025, Florida Statutes and Rule 150-3, Florida Administrative Code. Appraiser qualifications shall be consistent with the level of difficulty of the appraisal assignment. Lee County shall review the experience, education, training, and other qualifications of appraisers, including review appraisers, and utilize only those determined to be qualified. Appraisers will be selected by the Lee County Office of County Lands as per County Administrative Code AC-5-8. The Lee County Lands office is responsible for the acquisition of all County Lands to include the selection of qualified appraisers.
  - (e) Conflict of interest. No appraiser or review appraiser shall have any interest, direct or indirect, in the real property being appraised for Lee County that would in any way conflict with the preparation or review of the appraisal. Compensation for making an appraisal shall not be based on the amount of the valuation. No appraiser shall act as a negotiator for real property which that person has a praised, except that Lee County may permit the same person both to appraise and negotiate an acquisition where the value of the acquisition is \$2,500, or less.

**Review of appraisals.**

Lee County has an appraisal review process and, at a minimum:

- (a) A qualified reviewing appraiser shall examine all appraisals to assure that they meet applicable appraisal requirements and shall, prior to acceptance, seek necessary corrections or revisions.
- (b) If the reviewing appraiser is unable to approve or recommend approval of an appraisal as an adequate basis for the establishment of the offer of just compensation, and it is determined that it is not practical to obtain an additional appraisal, the reviewing appraiser may develop appraisal documentation to support an approved or recommended value.
- (c) The review appraiser's certification of the recommended or approved value of the property shall be set forth in a signed statement which identifies the appraisal reports reviewed and explains the basis for such recommendation or approval. Any damages or benefits to any remaining property shall also be identified in the statement.