

PALM BEACH COUNTY
BOARD OF COUNTY COMMISSIONERS

36-2

AGENDA ITEM SUMMARY

Meeting Date: February 11, 2020

Consent
 Workshop

Regular
 Public Hearing

Department: Office of Financial Management and Budget

I. EXECUTIVE BRIEF

Motion and Title: Staff recommends motion to approve: a negotiated settlement offer in the amount of \$5,000 for the full satisfaction of a code enforcement lien that was entered against Trevor Sookhoo & Archana Madnani on February 2, 2017.

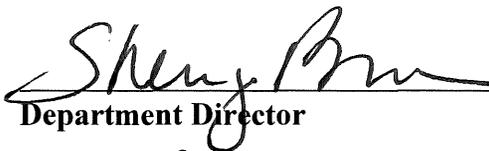
Summary: The Code Enforcement Special Magistrate (CESM) entered an Order on November 2, 2016 for the property owned by Trevor Sookhoo and Archana Madnani giving them until January 31, 2017 to bring their property located at 23281 Liberty Bell Terrace, into full code compliance. The property had been cited for installing a room addition without first obtaining required building permits. Compliance with the CESM's Order was not achieved by the ordered compliance date and a fine in the amount of \$50 per day was imposed. The CESM then entered a claim of lien against Trevor Sookhoo and Archana Madnani on April 11, 2017. The Code Enforcement Division issued an affidavit of compliance for the property stating that the cited code violations had been corrected as of August 29, 2019. The total accrued lien amount through December 12, 2019, the date on which settlement discussions began, totaled \$47,015.80. Mr. Sookhoo has agreed to pay Palm Beach County \$5,000, (11%) for full settlement of their outstanding code enforcement lien. District 5 (SF).

Background and Justification: The violation that gave rise to this code enforcement lien was for installing a room addition without permits. The Special Magistrate gave Trevor Sookhoo and Archana Madnani until January 31, 2017 to bring their property into full code compliance or a fine of \$50 per day would begin to accrue. A follow-up inspection by the Code Enforcement Division on February 1, 2017 confirmed that the property was still not in full compliance. A code lien was then entered against the owners on April 11, 2017. The Code Enforcement Division issued an affidavit of compliance for the property on August 30, 2019 stating that the cited code violation had been corrected as of August 29, 2019. The Collections Section of OFMB met with Mr. Sookhoo on December 12, 2019, to discuss a settlement for the Code lien. Collections, after extensive review, evaluation, and discussions with the Code Enforcement Division and the County Attorney's Office, has agreed to present the proposed settlement offer in the amount of \$5,000 to the Board for approval.

(Continued on page 3)

Attachments: none

Recommended by:


Department Director

1/8/2020
Date

Approved by:


County Administrator

1/29/2020
Date

II. FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact:

Fiscal Years	2020	2021	2022	2023	2024
Capital Expenditures					
Operating Costs					
External Revenues	(\$5,000)				
Program Income(County)					
In-Kind Match(County)					
NET FISCAL IMPACT	(\$5,000)				
#ADDITIONAL FTE POSITIONS (CUMULATIVE)					

Is Item Included In Current Budget? Yes _____ No X
 Does this item include the use of federal funds? Yes _____ No X

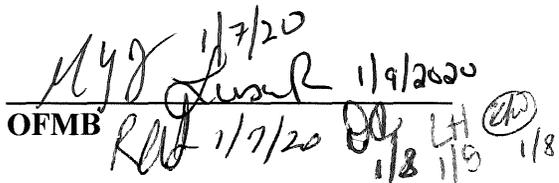
Budget Account No. Fund 0001 Department 600 Unit 6241 Object 5900

B. Recommended Sources of Funds/Summary of Fiscal Impact:

C. Departmental Fiscal Review:

III. REVIEW COMMENTS

A. OFMB Fiscal and/or Contract Dev. and Control Comments:



 N/A
Contract Dev. and Control

B. Legal Sufficiency:



Assistant County Attorney

C. Other Department Review:

N/A
Department Director

The factors considered during staff's review and evaluation of this settlement are as follows:

1. Mr. Sookhoo and Mrs. Madnani purchased the property in December 2008 from Accredited Home Lenders, Inc. They were the mortgage lender who obtained the Certificate of Title from the foreclosure on the property. The 1556 square foot property, after the bank's foreclosure, was marketed and sold to them as a three (3) bedroom and two (2) bathroom home. Mr. Sookhoo and Mrs. Madnani were not aware that the third room was added without a required building permit until Code Enforcement cited them on April 20, 2016.
2. During the sales transaction in December 2008, neither the title company nor the realtor disclosed to Mr. Sookhoo and Mrs. Madnani that the property had an unpermitted addition. Mr. Sookhoo believed that, if the realtor and title company had done a thorough search, they would have found that the property was only a two bedroom and two bathroom home. He only became aware of the issue while dealing with code enforcement who found that the addition was built without a required permit. During his research, he found a building permit that the former owner prior to foreclosure pulled for a patio roof only, and the subsequent enclosure was built without a permit. Mr. Sookhoo tried to take action against the title company, but too much time had elapsed from the sale date to pursue any type of legal action.
3. In order to bring their property to full compliance, Mr. Sookhoo and Mrs. Madnani spent nearly \$4000 to remove the enclosure and restore back to a covered patio, which eliminated the third bedroom. Due to the removal, the property has lost its value, as it is no longer a 3/2, but a 2/2. After full code compliance was achieved on August 29, 2019, the property has been maintained in conformity with the County's codes.
4. The property is Mr. Sookhoo's and Mrs. Madnani's homestead property, and the only property they own.
5. The subject code violations did not present any life safety issues.

An affidavit of compliance was issued by the Code Enforcement Division stating that the cited code violations were fully corrected as of August 29, 2019 and the property is in full compliance with the CESM's Order.

In light of the above stated circumstances, Staff believes that the proposed settlement is fair and in the best interest of Palm Beach County.

Settlement offers that reduce any debt amount due to Palm Beach County by more than \$2,500 require the approval of the Board of County Commissioners, per Countywide PPM# CW-F-048.