

PALM BEACH COUNTY
BOARD OF COUNTY COMMISSIONERS

36-1

AGENDA ITEM SUMMARY

Meeting Date: March 10, 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 \$30,000 for the full satisfaction of a code enforcement lien that was entered against Josefa Ramos & Francisco P. Ramos on August 5, 2009.

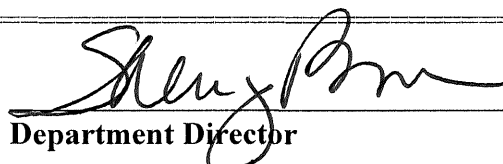
Summary: The Code Enforcement Special Magistrate (CESM) entered Orders on September 5, 2007 and October 1, 2008, for the property owned by Josefa Ramos & Francisco P. Ramos giving them until February 3, 2009 to bring their property located at 1430 N. Stacy St, West Palm Beach into full code compliance. The property had been cited for 1) converting a structure permitted as a single-family dwelling into a multi-family dwelling (i.e. triplex) without the proper permits and zoning approvals; 2) converting a structure permitted as a game room into a multi-family dwelling (i.e. duplex) without the proper permits and zoning approvals; and 3) converting a structure permitted as a working/storing room/dog house into a habitable accessory dwelling structure without the proper permits and zoning approvals. 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 Josefa Ramos and Francisco P. Ramos on August 5, 2009. The fine stopped on November 26, 2012 due to the change of ownership. The Code Enforcement Division issued an affidavit of compliance for the property on July 13, 2015 stating that the cited code violations had been fully corrected as of July 10, 2015. The total accrued lien amount through November 26, 2012, the date on which the Ramos's lost the property to foreclosure, totaled \$64,560.60. Mr. & Mrs. Ramos have agreed to pay Palm Beach County \$30,000, (46%) for full settlement of their outstanding code enforcement lien. District 2 (SF).

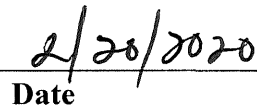
Background and Justification: The violations that gave rise to this code enforcement lien were for 1) converting a structure permitted as a single-family dwelling into a multi-family dwelling (i.e. triplex) without the proper permits and zoning approvals; 2) converting a structure permitted as a game room into a multi-family dwelling (i.e. duplex) without the proper permits and zoning approvals; and 3) converting a structure permitted as a working/storing room/dog house into a habitable accessory dwelling structure without the proper permits and zoning approvals. The Special Magistrate gave Josefa Ramos & Francisco P. Ramos until February 3, 2009 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 4, 2009 confirmed that the property was still not in full compliance. A code lien was then entered against Josefa Ramos & Francisco P. Ramos on August 5, 2009. The Code Enforcement Division issued an affidavit of compliance for the property on July 13, 2015 stating that the cited code violations had been corrected as of July 10, 2015. The Collections Section of OFMB was first contacted by Mr. & Mrs. Ramos on December 31, 2019, to discuss a settlement. Collections, after extensive review, evaluation, and discussions with Code Enforcement Division and the County Attorney's Office, has agreed to present the proposed settlement offer in the amount of \$30,000 to the Board for approval.

(Continued on page 3)

Attachments: none

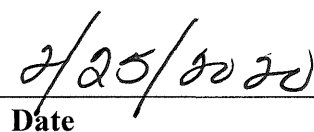
Recommended by:


Department Director


Date

Approved by:


County Administrator


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	(\$30,000)				
Program Income(County)					
In-Kind Match(County)					
NET FISCAL IMPACT	(\$30,000)				
#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

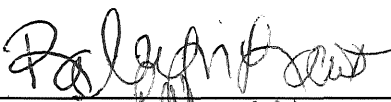
Budget Account No. Fund 0001 Department 600 Unit 6241 Object 5900

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:

 2/20/2020
 OFMB 2/19/20 2/20 4/20 2/20 2/20 2/20 2/20
 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. As soon as the notice of violation was issued, Mr. Ramos immediately hired a contractor to help him remedy the violations. The contractor started the process of permit application for the three (3) structures converted without proper permits. Unfortunately, four (4) months into the process, he quit the job. Mr. Ramos did not take long to hire a new contractor to continue the process, but the second one also quit. A third contractor was hired; he later found out that the job required an architect to prepare the drawings and an engineer to supervise the project. The third contractor was able to bring all the key staff on board to complete the task.
2. Eventually this process was interrupted because Mr. Ramos received a proposal from the School District of Palm Beach County to buy the property. The School District was purchasing several properties adjacent to or within close proximity to demolish and build a school and needed the site to build the school. Ten (10) months later the School District decided that they would not move forward with the project, and cancelled the contract. Mr. Ramos had to start the process all over.
3. Mr. Ramos inherited all these violations from the previous owner, and had worked proactively to get the property into full compliance, but encountered many setbacks. He spent countless time and money during this process. In the midst of all that, he was fighting a foreclosure and lost the property through foreclosure. Palm Beach County's lien was recorded, but the County was not named a defendant in the foreclosure proceedings and the lien followed him and all real property he owned. In the process of selling his second investment property, he reached out to the collection division for a lien reduction settlement to provide a clear title to the purchaser.

An affidavit of compliance was issued by the Code Enforcement Division stating that the cited code violations were fully corrected as of July 10, 2015 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.