

PALM BEACH COUNTY
BOARD OF COUNTY COMMISSIONERS

WORKSHOP SUMMARY

Meeting Date: July 19, 2022

Department: Planning, Zoning & Building

I. EXECUTIVE BRIEF

Title: Code Enforcement Timely Compliance

Summary: In recent months, there have been several examples of uncooperative violators that have highlighted the impact of property owners who do not make it a priority to timely comply with Code Enforcement notices of violation and special magistrate orders. The delay in compliance, in certain circumstances, may have significant impacts on building occupants and neighboring properties. At the May 3, 2022 Board of County Commissioners (BCC) meeting, the BCC asked the Department to provide an overview of the current Code Enforcement Division policies and procedures for addressing code violations and to assess whether there are improvements that can be made to encourage quicker code compliance.

Unincorporated (SF)

Background and Policy Issues:

Code Enforcement is a Division ("Division") in the Planning, Zoning and Building Department. The Division provides an important function in Palm Beach County ("County") in enforcing several codes and regulations; this has a direct effect on the quality of life and enjoyment of property in the County. The Division enforces the Palm Beach County Unified Land Development Code (ULDC), the County's Property Maintenance Code, the Florida Building Code and local amendments thereto and several other codes throughout the County including for other Departments such as, Engineering, Water Utilities, ERM, and Fire Rescue. The County enforces its codes pursuant to the authority provided in Chapter 162, Florida Statutes. The Division has approximately 45 full time employees, including 6 Senior Code Enforcement Officers who manage 30 Code Enforcement Officers (CEO). In 2021, Code Enforcement investigated 13,331 complaints involving some of the 211,400 parcels within the County. When a violation is either observed or reported, a CEO will investigate and if violations are found the CEO will work with the property owner to give them a reasonable time to comply. Attached is an example of a typical case where compliance has not been achieved in a reasonable time and it has been placed in a fine and lien status, which means daily fines are accruing and a lien is recorded against the real property in the public records. Most recorded liens are referred to the Office of Financial Management and Budget (OFMB) for collection. OFMB works with a collection vendor to collect on the outstanding fines. Code cases continue to accrue fines until the violation is brought into compliance or the property is transferred to a new owner.

Attachments:

- 1. Case Example

Recommended by: W. DeGanoll Department Director 6/24/2022 Date

Approved By: P. [Signature] 7/5/22

II. FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact:

Fiscal Years	2022	2023	2024	2025	2026
Capital Expenditures					
Operating Costs					
External Revenues					
Program Income(County)					
In-Kind Match(County)					
NET FISCAL IMPACT	*				
#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 _____ Agency _____ Organization _____ Object _____

B. Recommended Sources of Funds/Summary of Fiscal Impact:
~~X~~ No Fiscal Impact

C. Departmental Fiscal Review: Alahany

III. REVIEW COMMENTS

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

<p><u>AFDella</u> 6/24/22 OFMB 7/16/24-02 MG 6/24/22</p>	<p><u>J. J. Jawlonek</u> 7/5/22 Contract Dev. and Control</p>
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B. Legal Sufficiency:
[Signature]
 Assistant County Attorney

C. Other Department Review:

 Department Director

PBC Code Enforcement Case Sample
(Edited/Abbreviated case notes taken from actual case)

Summary Example: This Property is a tenant occupied, single family, non-homesteaded residence. Violation was cited on 01/13/2009 for a 6' foot wooden fence in disrepair. The following details the code enforcement process for a specific matter that failed to come into timely compliance and resulted in a fine and lien status.

01/13/2009: Code Enforcement Officer (CEO) self-initiated while inspecting area. Noticed a 6-foot wood fence in disrepair. Notice of Violation (NOV) issued.

*Noted in record – On 10/28/2008 U.S. Bank National Assoc., Tr. Notice of Lis Pendens, 22926/1161 (Case No.50 2008 CA 033054 XXXXMB) **dismissal is noted on 04/13/2011 (page2)*

01/15/2009: NOV Receipt No: 71133701537131476084 sent to Respondents listed mailing address of 450 Dinner St NE, Palm Bay, FL 32907

02/18/2009: Notice of Hearing (NOH) scheduled for 04/01/2009 Violation - Exterior Structure in disrepair, specifically wood fence. Re-inspected, violation still exist. No communication from owner.

03/12/2009: NOH generated.

03/13/2009: NOH Receipt No: 71133701537133942907 sent 03/12/2009 to Respondent @ 450 Dinner St. NE, Palm Bay, FL 32907. Service has been updated as DELIVERED on March 14, 2009.

03/16/2009: Re-inspected. Fence has not been repaired.

03/20/2009: Courthouse and premises posted.

03/23/2009: Re-inspected. Fence has not been repaired. CEO stopped and spoke with the tenant who called the owner. CEO spoke with owner about the fence. Owner requested CEO call her husband. CEO called twice and left a message each time. Did not receive a call back.

03/25/2009: Re-inspected. No change in status of fence. Left business card with tenant.

03/31/2009: Re-inspected. Violation still existed as cited. Records checked, no change in ownership.

04/01/2009: Special Magistrate Hearing. (Owner not present) granted 30 days (May 1, 2009) to come into compliance or a fine of \$50.00 per day cost: \$98.49.

04/14/2009: 3 sets of signed orders provided to CEO for hand delivery/posting.

04/20/2009: Posting done at Court House, mailing address and situs on 04/15/2009.

05/04/2009: Re-inspected. Violation existed as cited. Filed Affidavit of Non-Compliance (AONC).
Fines initiated – begin to accrue.

05/19/2009: AONC mailed. Scanned and notarized received documents and AONC. Case forwarded to Mr. Verner to determine if lien is to be filed.

05/26/2009: Code Enforcement Director Initiated Lien.

06/03/2009: No Change in Ownership reported. Case referred to CE Research Specialist NKing. Pending lien process after 6/8/09 if fines/lien not contested.

06/15/2009: No Change in Ownership reported. Case referred to CEH/proceed with lien.

06/16/2009: Case referred to Special Magistrate for signature at the 07/01/2009 CEH.

07/17/2009: Case referred/sent to Assistant County Attorney for signature.

08/18/2009: No Change in Ownership reported.

08/19/2009: Case referred to Accounting for Lien record.

09/10/2009: Lien Recorded in 23437/0631.

04/01/2010: Received documents from Research Specialist NKing to be scanned and filed. Scanned and attached Returned Lien Mail to case attachments.

07/28/2010: No Change in Ownership reported. Scheduled CEO follow-up violation inspection for pending Sept. 2009 OFMB review. Case ready pending Director review re Sept. 2009 OFMB referral.

08/05/2010: Re-inspected. No change, wood fence still in disrepair.

04/13/2011: U.S. Bank National Assoc., Tr. foreclosure, Case No. 50 2008 CA 033054 XXXX MB dismissed, 24462/1659.

09/20/2012: No Change in Ownership reported.

09/21/2012: Referred to Director for OFMB Referral approval. Lien referred to Acct. for OFMB referral.

09/25/2012: Scanned Sept. 2009 OFMB referral to Accounting and attached to case attachments.

10/04/2012: Lien referred to OFMB for Sept.2009 OFMB referral.

04/17/2014: Revised Sept. 2009 CE Referrals revised as of 04/30/2014 per G.Meeder.
**SEPTEMBER 2009 LIEN REFERRAL FROM OFMB TO PENN CREDIT CORP. FOR COLLECTION
EFFECTIVE 04/30/2014**

04/21/2014: Penn Credit Corp. acknowledgement of Sept. 2009 & Aug. 2010 lien referral.

03/04/2022: Owner(s) at PBC Code Enforcement office regarding case. Claimed no knowledge. Case is at OFMB stage and requires re-inspection to stop fine. CEO provided owner with contact information for OFMB. Requested owner(s) wait to contact OFMB until CEO can comply the case.

03/10/2022: Owner(s) returned to PBC Code Enforcement office, met with CEO to advise violation was corrected. Case C-2009-01140019 reassigned and inspection done. Cited violation, exterior structure disrepair (fence) was repaired – violation status (CLOSED). Property in compliance as of 03/10/2022. Fine Stop Date 03/10/2022. Owner(s) were referred to OFMB due to PEN Credit Lien. Notarized and attached Affidavit of Compliance (AOC) to the case/original to accounting.

03/17/2022: AOC recorded in Official Record Book (ORB 33390 PG 1933).

03/23/2022: Received a call from owner regarding the lien. She was provided the contact information for OFMB.

03/28/2022: OFMB in the process of preparing an agenda to go before the BCC. As of this month, the balance is \$356,804, initial offer was \$25,000 and after discussions, they agreed to pay \$19,000 which is 5% of the total amount due. Owner(s) are in the process of selling the property, the settlement will be paid out of their proceeds. This is not their homestead property.

04/19/2022: Case review and response email to Commissioner's office that CE will stand by the reduced amount of \$19,000.

05/03/2022: Scheduled BCC lien settlement request - \$19,000.00 lien settlement approved.

05/04/2022: Release of Lien upon receipt of payment.

06/30/2022: \$19,000.00 paid to OFMB in exchange for full Release of Lien pursuant to lien settlement. Lien referred to Secretary in order to process Release on ePZB. (Pending OFMB Release of Lien)

07/01/2022: Paid \$65.80 CE Document Recording Fees, \$17,328.85 CEB Fines & Liens + \$1,506.86 CE Interest, Total \$18,901.51 = Paid in Full, receipt No: 2022-0708-1. Paid \$98.49 CEB Administrative Costs, Total \$98.49 = Paid in Full, receipt No: 2022-0708-1.

Palm Beach County Code Enforcement Process

