



City of Eustis

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TO: EUSTIS CITY COMMISSION

FROM: TOM CARRINO, CITY MANAGER

DATE: DECEMBER 13, 2022

RE: RESOLUTION NUMBER 22-94: FORECLOSURE AUTHORIZATION
44 SHARPS CIRCLE LLC (SHARPS MOBILE HOME PARK)
CASE NUMBER 22-00041

Introduction

Resolution Number 22-94 of the City Commission approves a Code Enforcement Board action authorizing the City Attorney to foreclose on an unpaid code lien recorded against 44 Sharps Circle LLC.

Recommended Action

The administration recommends approval of Resolution Number 22-94.

Background

Code Board Action:

On November 14, 2022, the Eustis Code Enforcement Board authorized the City Attorney to begin foreclosure action on an unpaid code enforcement lien associated with Case 22-0004,1 totaling \$143,365 against 44 Sharps Circle, owned by 44 Sharps Circle LLC.

Case History:

On January 19, 2022, the Code Department received a minimum housing complaint from Donna Manning, the tenant occupying 26 Sharps Circle, located within Sharps Mobile Home Park.

On January 31, 2022, the mobile home was inspected and the following minimum housing code violations were identified:

- Driveway on the back side of the mobile home has not been kept in a proper state of repair, maintained free from hazardous conditions where it connects with the paved street.
- Stairs that are used to access both sides of the attached porch are not properly anchored to the structure.
- Some of the windows in the mobile home have not been kept in sound condition,

good repair, and weather tight. One of the windows in the living room has been screwed shut and cannot be opened.

- Flooring in the living room and kitchen area has not been maintained in sound condition and good repair. Floor gives (spongey) when stepped or stood on in some areas, more so directly in front of the kitchen sink.
- No heating facilities
- Electrical wiring that runs from the electric meter to the mobile home has not been properly installed (exposed wires).
- Light fixture inside bedroom closet is missing its cover.
- Smoke detector in bedroom is defective (does not function).

On February 16, 2022, the Department issued a Correction Notice requiring the following corrective actions by March 16, 2022. It was mailed and email to the Corporations Registered Agent, Hansel Rodriguez:

- Repair the driveway and eliminate any trip hazards where the driveway connects to the paved street.
- Anchor the stairs to the structure so they do not move when in use.
- Remove the screws from the window in the living room and ensure that it can stay secure with its own hardware; and
- Repair any windows that are missing hardware and are unable to be cranked open or closed; or
- Replace the windows with a window of the same size in accordance with guidelines established by the Florida Department of Highway Safety and Motor Vehicles (MHS-24 Mobile/Manufactured Home Repair and Remodeling).
- Replace any defective or deteriorated floor decking.
- Obtain a permit from the City of Eustis Building Department to install heating facilities capable of maintaining a room temperature of 68 degrees F in all habitable rooms, bathrooms and toilet rooms.

Note: The installation of one or more portable space heaters shall not be used to achieve compliance with this section.

- Encase the electrical wiring that is running into the mobile home from the electric meter in conduit/tubing (or other approved means) to protect it from physical damage in accordance with Section 334-14(b) of the National Electric Code; and
- Replace the missing light fixture cover, or replace the fixture.
- Repair or replace the smoke detector and ensure that all fire protection and life safety systems are maintained in accordance with the Florida Fire Prevention Code.

On March 16, 2022, a Notice of Repeat Violation/Hearing (NOV) was issued. It was mailed certified to the Hansel Rodriguez at 28 West Flagler Street, Ste 909, Miami, FL. In addition to mailing, it was posted on the Park Manager's office door and emailed to Mr.

Rodriguez and Jay Eben, Director of Operations. The Notice required compliance by April 4, 2022, or the Case would go before the Code Enforcement Board on April 11, 2022

On March 17, 2022, Jay Eben confirmed receipt of the NOV and reported that the violations involving the defective smoke detector and loose stairs had been corrected, which was confirmed by Eric Martin, Code Enforcement Supervisor.

On March 18, 2022, Shawn D. Arbeiter Esq., the property owner's Attorney, contacted the Code Department requesting a renewed NOV be issued with a later compliance date, which was approved.

On March 24, 2022, a Revised Notice of Repeat Violation/Hearing was issued requiring compliance by May 2, 2022, or the Case would go before the Code Enforcement Board on May 9, 2022. It was also emailed to Mr. Arbeiter and Mr. Eben the following day.

On May 9, 2022, the Code Enforcement Board issued an Order of Enforcement requiring the property be brought into compliance with City Code by June 8, 2022, or a daily fine of \$500 would be imposed retroactive to January 31, 2022, in accordance with Florida Statutes regarding fines for repeat violations. Allie Morales, Park Manager, attended the Hearing and testified that work was scheduled to begin on May 11, 2022, and she was confident that all the violations will be taken care of.

On May 11, 2022, a copy of the Order was mailed to the property owner at an updated mailing address in Lapeer, MI and Hansel Rodriguez.

On June 16, 2022, a Notice of Non-Compliance and Notice of Hearing for Certification of Non-Compliance and Assessment of Fine was mailed to the property owner and Hansel Rodriguez.

On July 11, 2022, Eric Martin informed the Code Enforcement Board of the non-compliance, and the Board voted to certify the previously imposed fine of \$500 per day retroactive to January 31, 2022. No Representatives from 44 Sharps Circle LLC attended the Hearing.

On July 20, 2022, the Order Imposing Fine was mailed to the property owner and Hansel Rodriguez, which was recorded in public record as a lien against the property on August 10, 2022. Per F.S. 162.09(3), the enforcement board may authorize the local governing body to foreclose on the unpaid lien, or to sue to recover a money judgment for the amount of the lien after 3 months from filing. This lien qualified for foreclosure effective, November 8, 2022.

On October 27, 2022, it was determined that the only unresolved housing code violation remaining was the lack of heating facilities.

On November 14, 2022, Donna Manning notified the Department that she had been evicted and that she had moved out of the mobile home. This was the same day the Code Enforcement Board authorized the foreclosure.

During the Hearing, Mr. Martin informed the Board that the tenant had moved out and obtained confirmation from the City Attorney that the fines will no longer accrue unless a new tenant is placed in the mobile home. Jay Eben was present and advised the Board

that the home will no longer be a rental, and there will be no rental units in the Park ever again.

Other Code Violations

Case 22-00528

Violation: 6x6 power pole next to unit #17 is showing signs that it is in danger of falling over. It is currently being held up with a piece of 2x4 lumber.

On July 11, 2022, the Code Enforcement Board issued an Order of Enforcement requiring the property be brought into compliance with City Code by July 16, 2022, or a daily fine of \$250.

On August 8, 2022, the Board voted to certify the previously imposed fine of \$250 per day and a lien was recorded in public record on September 7, 2022. Daily fines have accrued to \$16,750 and the lien will qualify for foreclosure on December 6, 2022.

On September 27, 2022, it was noted that the pole had been replaced and is no longer in danger of falling over. Daily fines accrued to \$18,000. Pole was replaced without a permit. See Case 22-00858.

Case 22-00858

Violations:

- 1) Power pole next to unit #17 replaced without a permit.
- 2) Existing electrical equipment not re-attached to the new pole in a workmanlike manner (e.g. the conduit was stretched, strained and damaged while forcing it to the new pole location).

On October 21, 2022, a Notice of Violation/Hearing was issued requiring a permit be obtained, and once obtained, reroute, replace and/or repair any stretched, strained or damaged conduit by December 5, 2022, or the Case would go before the Code Enforcement Board on December 12, 2022.

Property failed inspection on November 21, 2022. No permit obtained and there has been no change in condition.

Case 22-00532

Repeat Violation: The mobile home park's roads and driveways and similar areas have not been kept in a proper state of repair and maintained free from hazardous conditions.

On August 8, 2022, the Code Enforcement Board issued an Order of Enforcement requiring the property be brought into compliance with City Code by September 7, 2022, or a daily fine of \$500 would be imposed retroactive to July 5, 2022.

On October 10, 2022, the Board voted to certify the previously imposed fine of \$500 per day, and a lien was recorded in public record on November 4, 2022. Daily fines have accrued to \$80,500, and the lien will qualify for foreclosure on February 2, 2023.

Case 22-00913

Repeat Violation: Electrical equipment and wiring for power pole that services units 216 and 218 has not been properly installed and maintained in a safe and approved manner.

On November 14, 2022, the Code Enforcement Board issued an Order of Enforcement requiring the property be brought into compliance with City Code by December 14, 2022, or a daily fine of \$500 would be imposed retroactive to October 19, 2022.

Case 22-00914

Repeat Violation: Power pole that services units 209 and 215 is in danger of falling over and is currently being held up by an orange ratchet strap.

On November 14, 2022, the Code Enforcement Board issued an Order of Enforcement requiring the following corrective actions, or a daily fine of \$500 would be imposed retroactive to October 19, 2022:

- Stabilize and secure the power pole so it stands vertical without assistance by November 24, 2022, and;
- Provide a letter, or report from an Engineer certifying the proper install and safety of the pole by December 14, 2022.

On November 21, 2022, a building permit was obtained to replace the electrical equipment that attaches to the pole and a building inspector passed the inspection on the same day.

On November 28, 2022, the pole was inspected, it is still leaning but is now stable and does not appear in danger of falling over.

On December 1, 2022, Mr. Martin met onsite with Jay Eben, who advised that the required report is pending.

Case 22-00918

Repeat Violation: Electrical equipment for power pole that possibly services unit 213 has not been properly maintained in a safe and approved manner.

On November 14, 2022, the Code Enforcement Board issued an Order of Enforcement requiring the property be brought into compliance with City Code by November 24, 2022, or a daily fine of \$500 would be imposed retroactive to October 19, 2022.

On November 28, 2022, it was noted that the electrical equipment had not been secured to the pole, as required.

On November 29, 2022, an Affidavit of Non-Compliance and Notice of Hearing for certification of the previously imposed fine scheduled for December 12, 2022. It was emailed to Hansel Rodriguez and Jay Eben. Mr. Eben responded stating that they had an invoice from their electrician with notations that the conditions had been corrected. Shortly thereafter, he submitted a letter from their electrician, Heavenly Enterprises, LLC, stating their invoice noted the matter was corrected on November 15, 2022, but upon further review it was determined that the work was not actually completed, but it has been as of today.

On November 30, 2022, the electrical equipment passed inspection, 5 days past the date order by the Board, resulting in a total accrued fine of \$21,000.

On December 1, 2022, an Affidavit of Compliance was mailed to the property owner, and emailed to Hansel Rodriguez and Jay Eben. It included an application for reduction of fine with a submittal deadline of 5:00 p.m. Tuesday, December 6, 2022. In response, Mr. Eban submitted an Invoice dated November 15, 2022 his company received from their electrician, reporting the matter was resolved.

Community Input

This case is a direct result of a tenant complaint. There have also been multiple complaints received by City Staff and Commissioners from Park Residents regarding the current management and maintenance of the Sharps Mobile Home Park.

Budget / Staff Impact:

If the Commission approves the Resolution, legal expenses could exceed \$10,000. There could be potential for revenue collected as part of the foreclosure on the lien.

Reviewed By:

Kenneth Toler, Captain

Prepared By:

Eric Martin, Code Enforcement Supervisor

Attachments

- Resolution Number 22-94