

We never stop moving:



SCHMITT
REAL ESTATE CO.

General Information Concerning Open and Expired Building Permits and Code Violations

The following provides information about a situation that occurs in the Florida Keys, the existence of Open and Expired Building Permits and Code Violations, some of which may have been opened for work initiated a number of years ago and, which for a variety of reasons, were not closed out or have expired. CBSREC presents this information so you will have an understanding of the potential impact of and the options available to an owner of a property or a purchaser interested in a property that has Open and/or Expired Building Permits or Code Violations on record within the unincorporated or incorporated areas of Monroe County. You will find a list of contact numbers and websites for those jurisdictions on the second page.

1. **BACKGROUND:** Title insurers and closing agents are tasked as part of the closing process to determine if there are any open or expired permits and code violations as part of the seller's representation in the "As Is" Residential Contract For Sale & Purchase described in paragraph 18. Standards, A. Title: (i) Title Evidence; Restrictions; Easements; Limitations which in summary states: Seller shall convey marketable title subject to: comprehensive land use plans, zoning restrictions, prohibitions and other requirements imposed by governmental authority. Without resolution of the open and expired permits and code violations or a specific waiver from the buyer, Title Insurance underwriters hold sellers accountable as paragraph 18 above has been deemed to include open and expired permits.
2. **RESOLVING OPEN AND EXPIRED PERMITS:** To have the permit file resolved and to remove the open or expired permits the building department with jurisdiction shall be contacted to determine what steps must be taken to close the permit. Some permits may be closed administratively. Others require the contractor of record to open the permit and to physically call for inspections and pay additional permit fees and/or inspection fees. In some cases the contractor may not be in business any longer and sometimes the work needs to be exposed causing damage to the property to inspect the work that was completed. All of this takes time and money. Failed inspections for open or expired permits will require the work to be re-done by a licensed contractor. To avert having this happen at the 11th hour just prior to closing and jeopardizing the transfer of ownership the seller needs to be proactive in resolving any open or expired permits or the buyer needs to determine if accepting the property with the open or expired permits is an acceptable alternative. The exact process and cost involved to re-open a permit varies to some extent between the unincorporated areas of Monroe County and also within the various incorporated cities. For unincorporated Monroe County see CBSREC Form "Seller's Authorization for Buyer to Conduct Voluntary Presale Inspection of Property Permits."
3. **RESOLVING CODE VIOLATIONS:** The Code Violations Department of the County or appropriate City can provide information concerning the nature of the violation and what is required to remove the violation. The owner of the property will be required to take the

appropriate action to remove the violation and have a representative of the Code Violations Department inspect and approve what was done and then close out the violation.

4. **CBSREC INITIATIVE TO ASSIST SELLERS AND BUYERS:** We have taken the proactive approach as opposed to letting this issue go and waiting for open or expired permits and code violations to be uncovered at closing which, without a buyer waiver, can cause a delay in the closing. Resolving the disposition of the permits and code violations takes time, which could jeopardize financing and upset the plans of the buyer and seller who rightfully expect their real estate agent to anticipate such an issue. CBSREC endeavors to provide clients a better level of service by being proactive in order to determine at the earliest if there are open or expired permits and code violations and notifying the seller if we are the listing company so they can rectify the situation. If it is not a CBSREC listing and we uncover open and/or expired permits and code violations on a property we then notify the listing agent so the seller has time during the inspection period and financing contingency period to rectify the situation. Buyers have the option to waive the open and expired permits so they do not impact the closing. We, therefore, discuss with the buyer that option and the result of choosing to accept the property with the open and expired permits and/or code violations by acknowledging their existence in the Marketing Addendum and Seller Disclosure, when it is a CBSREC seller; or in the Buyer's Inspection Disclosure and Buyer's Real Property Sales Disclosure, when it is our buyer., or in an addendum or email so all parties to the contact are so informed.

5. **Contact Numbers and Websites:**
 - a. **For Monroe County Permits & Code Violations:**
 - i. <http://egov.monroecounty-fl.gov/eGovPlus/>
 - ii. Ph: Linda Painter 289-2556 or email:painter-linda@monroecounty-FL.gov
 - b. **For Islamorada/Village of Islands Permits & Code Violations:**
 - i. Obtain the "Request for Public Records – Research Log," complete the log and deliver to Sophie Todd, Islamorada, Village of Islands, 81990 Overseas Highway, Islamorada, FL 33036. Email: beverly.raddatz@islamorada.fl.us, Fax: 664-6466 Ph: 664-6412
 - ii. Contact the Code Compliance Office, George Martell 305-664-6435 or email: george.martell@islamorada.fl.us
 - c. **For City of Key Colony Beach Permits & Code Violations:**
 - i. Ph: 305-289-1212 and ask for Code Violations Department
 - d. **For City of Key West Permits & Code Violations:**
 - i. **For Permits:** email Carolyn Walker, cwalker@keywestcity.com providing the address and Alternate Key number and be sure to include your fax number as she will fax the information to you. If you do not have a fax you can request an email though that is seldom received due to the system in Key West.
 - ii. **For Code Violations:** email Cathy Williams, kwilliam@keywestcity.com providing the property address. Ph: 809-3740
 - e. **For City of Layton Permits & Code Violations:**
 - i. Ph: 305-664-4667
 - f. **For City of Marathon Permits & Code Violations:**
 - i. www.ci.marathon.fl.us/index.asp?NID=216, click on Property Search at the bottom of the left side ladder, enter the property information and click on Code Case Information & Building Permit Information
 - ii. Contact Connie Faast 305-289-4125 with any questions

Received by: _____ on _____
Signature of Seller or Buyer Date

Provided by: _____, CBSREC Sales Associate