

Re: CRA Residential Rehabilitation Grant Program - Response to letter from Debra McGowan

Hi Mayor West, Vice-Mayor Smith, Commissioner Huffman, Commissioner Arroyo, Commissioner Downing, Board Member Richards, Board Member Manuel and City Manager Elensky,

The purpose of this email is to respond to City Manager James Elensky's email dated June 10, 2025 and Debra McGowan's letter dated June 8, 2025 concerning the CRA Residential Rehabilitation Grant Program.

I have attached a copy of Mrs. McGowan's letter and the CRA Residential Rehabilitation Grant Program (which contains the applicable standards/requirements). Mrs. McGowan's letter concerns improvements to her mother's home.

CONCISE RECOMMENDATIONS

I do not recommend that the City approve the Scope of Work or fund (i) improvements which will result in the risk of water intrusion, and (ii) improvements that are not ADA compliant (in direct conflict with the Grant Programs standards/requirements).

CRA RESIDENTIAL REHABILITATION GRANT PROGRAM (the "Program")

The CRA Residential Rehabilitation Grant Program document states, in part, the following:

"The Residential Rehabilitation Grant will include the following:

- Repair or replacing damaged steps/railings, removal of structures deemed unsafe
- Repairs to meet city code violations
- ADA Compliance home alterations" (Emphasis added).

DEFINITIONS OF "ADDITIONS" and "ALTERATION"

Section 4.2.1 (Terms) of the City's Land Development Regulations, state, in part, that:

Additions. An extension or increase in floor area or height of a building or structure.

Alteration. Any change in, addition to, deletion from, or rearrangement of walls, roofs, floors, wiring, plumbing, supports or any other part(s) of a structure but, not including customary maintenance or repair.

QUOTE FROM BLOCK CONSTRUCTION ENTERPRISES, LLC

I've reviewed the Quote from Block Construction Enterprises, LLC (for the home owned by Mrs. McGowan's mother) which expressly states the following:

"NOTE: Ramps are not to ADA standards. Block Construction Enterprises LLC shall not be held liable for any water intrusion resulting from the slope or design of the ramp leading into the walkway." (Emphasis added).

RECOMMENDATION

Instead of focusing on a distinction between "alteration" and "addition," the real issue in this case is whether the CRA should fund an improvement that would be in direct conflict with the CRA's stated Program standards/requirements (i.e., that the improvement must be ADA compliant).

Due to the potential for liability to the City, I do not recommend that the City authorize a Scope of Work to this residential parcel which:

A. Creates a drainage issue. If the Contractor will not accept liability for a (flawed) improvement which will create a potential water intrusion, why should the City proceed with funding such improvement which creates a specific liability (water intrusion) and then accept the liability? I cannot recommend that the City fund an improvement which creates a water intrusion risk.

B. Creates an improvement that is not ADA compliant. Why should the City proceed with an improvement which is not ADA compliant, is clearly inconsistent with the Grant Program requirement and thus incur the corresponding liability for such non-ADA compliant improvements? I cannot recommend that the City proceed with an improvement which will knowingly not be ADA compliant.

Commissioners and CRA Board Members - To ensure compliance with the Florida Sunshine Law, please do not respond to this email with a group email reply. If you have any questions, please call me directly. Thanks in advance.

City Clerk Lauther - could you please ensure that this email is forwarded to Board Member Richards and Board Member Manuel?

Very truly yours,

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