

# Memorandum



**Date:** April 7, 2009

**To:** Honorable Chairman Dennis C. Moss and  
Members, Board of County Commissioners

Agenda Item No. 12B2

**From:** George M. Burgess  
County Manager

A handwritten signature in black ink, appearing to read "G. Burgess", written over the printed name of George M. Burgess.

**Subject:** Waiver of Enforcement Costs for Senior Citizens Program Report

---

At the December 16, 2008 Board of County Commissioners Resolution No. R-1428-08 was adopted. The resolution directed the Mayor to create and implement a program to reduce or waive code enforcement costs and penalties for senior citizens.

It is the policy of Miami-Dade County to enforce the ordinances contained in the Code of Miami-Dade County. Code inspectors are required to use available enforcement mechanisms, including the issuance of Civil Violation Notices (CVNs), under Chapter 8CC of the Code of Miami-Dade County to achieve compliance. It is also the policy of Miami-Dade County to collect fines levied, enforcement costs incurred and accrued interest through the use of appropriate administrative ticket and lien settlement procedures.

## Building Department

In accordance with the foregoing resolution, the Building Department will offer settlement reductions to senior citizens on penalties resulting from the issuance of CVNs. The settlement reductions will range from 70% to 90% of the accumulated continuing penalties and applicable interest depending on the enforcement costs incurred by the department. Qualifying senior citizens must meet the following eligibility criteria:

1. The property where the violation occurred has a property tax homestead exemption.
2. The named violator in the CVN is the property owner of record.
3. The violation did not exist prior to the named violator's purchase of the property.
4. The property is owned by one or more individuals each of whom are 65 years of age or older. If joint owners are married, only one of the owners must meet the minimum age requirement.
5. The combined income of the owners of the property cannot exceed the annual average median income for an individual or family of the same size.
6. A request for the reduction of costs and penalties is made in writing and signed by each of the owners of the property.
7. The violations which are the subject of the CVN have been corrected.
8. The owners of a property are eligible to negotiate a reduction of enforcement costs associated with one or more enforcement cases initiated by the same department in a single transaction. The owners of a property may only request a settlement with each department under the senior citizen guidelines below once during their lifetime.

9. For existing liens, the property owners have one year from the effective date of this program or the filing of a foreclosure action against them to negotiate a settlement under the guidelines below. In regard to liens filed after the implementation date of this program, the property owners will have one year from the date of filing of the lien or a foreclosure action against them to negotiate a settlement under these same guidelines.

Settlements do not include the waiver of the amount of the ticket or administrative hearing costs assessed by a hearing officer on behalf of the Clerk of the Court. Also, the settlement guidelines above do not apply to previously negotiated settlements in which partial or full payment is due.

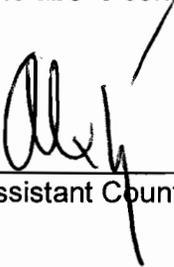
#### Office of Neighborhood Compliance

Consistent with the resolution above, the Office of Neighborhood Compliance (ONC) agrees to provide an additional settlement reduction on penalties arising from CVNs issued to senior citizens who are in violation of applicable codes. The following settlement criteria will be utilized for seniors who request a lien settlement reduction.

In addition to the standard 35% settlement reduction, senior citizens who meet the following criteria will be offered an additional 35% reduction, for a total settlement reduction of 70%, on all ONC cases that have already been lienied:

1. The property where the violation occurred has a property tax homestead exemption.
2. The named violator in the CVN is the property owner of record.
3. The property is owned by one or more individuals and at least one individual is 65 years of age or older.
4. The violations which are the subject of the CVN have been corrected.
5. The owners of a property are eligible to negotiate a reduction of the enforcement costs associated with one or more enforcement cases in a single transaction.
6. The settlement guidelines below do not apply to previously negotiated settlements in which partial or full payment is due.
7. Settlements do not include the waiver of the amount of the ticket or administrative hearing costs assessed by a hearing officer on behalf of the Clerk of the Court.
8. Settlements will not be applied to lot clearing or minimum housing cases since taxpayer dollars have been expended for remediation or other services associated with the property.
9. The senior citizen settlement reduction will be offered in addition to any existing reduction categories that the property owner is eligible for.

The above senior citizen settlement guidelines will be effective April 1, 2009.

  
\_\_\_\_\_  
Assistant County Manager



**Miami-Dade Legislative Item  
File Number: 083125**

Printable PDF Format Print this page

<b>File Number:</b> 083125	<b>File Type:</b> Resolution	<b>Status:</b> Before the Board
<b>Version:</b> 0	<b>Reference:</b>	<b>Control:</b> Board of County Commissioners
<b>File Name:</b> SENIOR CITIZENS FACING CODE ENFORCEMENT COSTS		<b>Introduced:</b> 10/29/2008
<b>Requester:</b> NONE	<b>Cost:</b>	<b>Final Action:</b>
<b>Agenda Date:</b> 12/16/2008		<b>Agenda Item Number:</b> 11A1

**Notes:**

**Title:** RESOLUTION DIRECTING THE COUNTY MAYOR TO CREATE AND IMPLEMENT A PROGRAM WHEREBY SENIOR CITIZENS FACING CODE ENFORCEMENT COSTS AND PENALTIES CAN RECEIVE A SUBSTANTIALLY DISCOUNTED AND/OR WAIVED SETTLEMENT OF THOSE COSTS AND PENALTIES WHERE COMPLIANCE HAS OCCURRED

**Indexes:** CODE ENFORCEMENT  
SENIOR CITIZENS

**Sponsors:** Dorrin D. Rolle , Prime Sponsor  
Jose "Pepe" Diaz , Co-Sponsor  
Barbara J. Jordan , Co-Sponsor  
Dennis C. Moss , Co-Sponsor  
Rebeca Sosa , Co-Sponsor  
Sen. Javier D. Souto , Co-Sponsor  
Audrey M. Edmonson , Co-Sponsor

**Sunset Provision:** No

**Effective Date:**

**Expiration Date:**

**Registered Lobbyist:** None Listed

**LEGISLATIVE HISTORY**

Acting Body	Date	Agenda Item	Action	Sent To	Due Date	Returned	Pass/Fail
Board of County Commissioners	12/16/2008	11A1	Amended				

**REPORT:** It was moved by Commissioner Rolle that the foregoing proposed resolution be adopted as amended. This motion was seconded by Commissioner Sosa, and upon being put to a vote, passed by a vote of 12-0. (Commissioner Gimenez was absent.) The amended version of the foregoing resolution was assigned no. R-1428-08.

Board of County Commissioners	12/2/2008	11A14	Deferred				P
Governmental Operations and Environment Committee	11/10/2008	3Y	Forwarded to BCC with a favorable recommendation				P

**REPORT:** Chairwoman Seijas recommended this program be forwarded to the County Commission for approval once it was created by the Mayor. Commissioner Gimenez questioned how the determination to waive or discount a penalty would be made. Assistant County Attorney Thomas Robertson noted certain waivers or discounts would be based on policies established by the Department Director and the Code Compliance Officer. He also noted the intent of this proposal was to create a program that targeted senior citizens. Responding to Commissioner Gimenez' question regarding certain individuals living in upscale neighborhoods and cited for multiple code violations, Assistant County Attorney Thomas Robertson noted the Mayor or his designee could set a limited amount equal to a certain property value to prevent certain individuals with multiple code violations from qualifying for this program. He noted the intent of this resolution was to direct the Manager to investigate all the issues thoroughly to ensure a fair and equitable program was created and to report back to the Board. Assistant County Manager Alex Munoz advised that Commissioner Rolle included language in this resolution providing that the program shall give special consideration to senior citizens whose mortgages were threatened with default. Hearing no further comments or questions, the Committee proceeded to vote on the foregoing proposed resolution as presented.

County Attorney	10/29/2008	Assigned	Thomas H. Robertson				
County Attorney	10/29/2008	Referred	Governmental Operations and Environment Committee	11/10/2008			

**LEGISLATIVE TEXT**

**TITLE**

RESOLUTION DIRECTING THE COUNTY MAYOR TO CREATE AND IMPLEMENT A PROGRAM WHEREBY SENIOR CITIZENS FACING CODE ENFORCEMENT COSTS AND PENALTIES CAN RECEIVE A SUBSTANTIALLY DISCOUNTED AND/OR WAIVED SETTLEMENT OF THOSE COSTS AND PENALTIES WHERE COMPLIANCE HAS OCCURRED

**BODY**

WHEREAS, senior citizens often face the prospect of code enforcement violations on their primary residences; and  
WHEREAS, senior citizens are much less likely to be able to correct those code enforcement violations in a timely manner; and

WHEREAS, the County Code provides for significant costs and penalties in the event of citations for code violations; and WHEREAS, senior citizens are often forced to exist on fixed incomes or reduced incomes due to retirement; and WHEREAS, it is in the County's best interest that these code violations be corrected effectively and efficiently regardless of any collection of the total costs and/or penalties which may be assessed, NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that the Mayor is hereby directed to create and implement a program whereby senior citizens who have code violations on their primary residence and have been cited for those code violations and are thereby facing code enforcement costs and penalties, shall be able to enter into settlements of the costs and penalties that significantly lower than the total amount. The program shall be available to any person 65 years of age or older facing code enforcement costs and penalties due to code violations on their primary, homestead residence and who have corrected the code violations or are in the process of correcting the code violations such that the settlement described herein includes complete correction of the code violation. The program shall give special consideration to senior citizens who are in default of their mortgage such that they are in foreclosure or foreclosure is threatened. The Mayor shall report back to this Board of County Commissioners on the creation and implementation of this program within ninety (90) days of the approval of this Resolution.

In order to view the [Printable PDF Format](#) you need to have Adobe's Acrobat Reader © installed on your computer. If you don't have it, click on the following icon and you will be redirected to Adobe's website where you can download and install Acrobat Reader.



4

# MEMORANDUM

Agenda Item No. 11(A)(1)

---

**TO:** Honorable Chairman Bruno A. Barreiro  
and Members, Board of County Commissioners

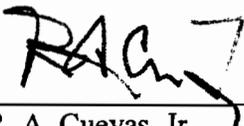
**DATE:** December 16, 2008

**FROM:** R. A. Cuevas, Jr.  
County Attorney

**SUBJECT:** Resolution directing the Mayor  
to create a program whereby  
senior citizens facing code  
enforcement costs and penalties  
can receive a discount and/or  
waive settlement of those  
costs

---

The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Dorrin D. Rolle and Co-Sponsors Commissioner Jose "Pepe" Diaz, Vice-Chairwoman Barbara J. Jordan, Commissioner Dennis C. Moss, Commissioner Rebeca Sosa and Senator Javier D. Souto.

  
\_\_\_\_\_  
R. A. Cuevas, Jr.  
County Attorney

RAC/up



**MEMORANDUM**  
(Revised)

**TO:** Honorable Chairman Bruno A. Barreiro  
and Members, Board of County Commissioners

**DATE:** December 16, 2008

**FROM:** R. A. Cuevas, Jr.  
County Attorney

**SUBJECT:** Agenda Item No. 11(A)(1)

Please note any items checked.

- "4-Day Rule" ("3-Day Rule" for committees) applicable if raised
- 6 weeks required between first reading and public hearing
- 4 weeks notification to municipal officials required prior to public hearing
- Decreases revenues or increases expenditures without balancing budget
- Budget required
- Statement of fiscal impact required
- Bid waiver requiring County Manager's written recommendation
- Ordinance creating a new board requires detailed County Manager's report for public hearing
- Housekeeping item (no policy decision required)
- No committee review

Approved \_\_\_\_\_ Mayor  
Veto \_\_\_\_\_  
Override \_\_\_\_\_

Agenda Item No. 11(A)(1)  
12-16-08

RESOLUTION NO. \_\_\_\_\_

RESOLUTION DIRECTING THE COUNTY MAYOR TO  
CREATE AND IMPLEMENT A PROGRAM WHEREBY  
SENIOR CITIZENS FACING CODE ENFORCEMENT COSTS  
AND PENALTIES CAN RECEIVE A SUBSTANTIALLY  
DISCOUNTED AND/OR WAIVED SETTLEMENT OF THOSE  
COSTS AND PENALTIES WHERE COMPLIANCE HAS  
OCCURRED

**WHEREAS**, senior citizens often face the prospect of code enforcement violations on their primary residences; and

**WHEREAS**, senior citizens are much less likely to be able to correct those code enforcement violations in a timely manner; and

**WHEREAS**, the County Code provides for significant costs and penalties in the event of citations for code violations; and

**WHEREAS**, senior citizens are often forced to exist on fixed incomes or reduced incomes due to retirement; and

**WHEREAS**, it is in the County's best interest that these code violations be corrected effectively and efficiently regardless of any collection of the total costs and/or penalties which may be assessed,

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA**, that the Mayor is hereby directed to create and implement a program whereby senior citizens who have code violations on

their primary residence and have been cited for those code violations and are thereby facing code enforcement costs and penalties, shall be able to enter into settlements of the costs and penalties that are significantly lower than the total amount. The program shall be available to any person 65 years of age or older facing code enforcement costs and penalties due to code violations on their primary, homestead residence and who have corrected the code violations or are in the process of correcting the code violations such that the settlement described herein includes complete correction of the code violation. The program shall give special consideration to senior citizens who are in default of their mortgage such that they are in foreclosure or foreclosure is threatened. The Mayor shall report back to this Board of County Commissioners on the creation and implementation of this program within ninety (90) days of the approval of this Resolution.

The Prime Sponsor of the foregoing resolution is Commissioner Dorrin D. Rolle, and the Co-Sponsors are Commissioner Jose "Pepe" Diaz, Vice-Chairwoman Barbara J. Jordan, Commissioner Dennis C. Moss, Commissioner Rebeca Sosa and Senator Javier D. Souto. It was offered by Commissioner \_\_\_\_\_, who moved its adoption. The motion was seconded by Commissioner \_\_\_\_\_ and upon being put to a vote, the vote was as follows:

Bruno A. Barreiro, Chairman	
Barbara J. Jordan, Vice-Chairwoman	
Jose "Pepe" Diaz	Audrey M. Edmonson
Carlos A. Gimenez	Sally A. Heyman
Joe A. Martinez	Dennis C. Moss
Dorrin D. Rolle	Natacha Seijas
Katy Sorenson	Rebeca Sosa
Sen. Javier D. Souto	

48

The Chairperson thereupon declared the resolution duly passed and adopted this 16<sup>th</sup> day of December, 2008. This resolution shall become effective ten (10) days after the date of its adoption unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

MIAMI-DADE COUNTY, FLORIDA  
BY ITS BOARD OF COUNTY  
COMMISSIONERS

HARVEY RUVIN, CLERK

Approved by County Attorney as  
to form and legal sufficiency.



By: \_\_\_\_\_  
Deputy Clerk

Thomas H. Robertson

59