

# Memorandum



**Date:** May 12, 2009

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

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

**Subject:** Creation of Implementing Order 10-14 to Manage Foreclosure Registry

GO  
Agenda Item No. 4(G)

## Recommendation

It is recommended that the Board adopt the attached resolution creating Implementing Order 10-14 relating to registration of residential properties subject to foreclosure in accordance with Ordinance 08-134. Through this registry, residences that are at risk of or have become vacant, overgrown, dilapidated or in poor repair can be tracked and remediated to prevent blight or unsightly conditions.

## Scope

This change shall apply to all single family residential dwelling units, including condominium, duplex, and town home units, in unincorporated Miami-Dade County. A companion Implementing Order will enable the Office of Neighborhood Compliance to start collection of the registry fee.

## Fiscal Impact/Funding Source

Any additional operating costs, such as property records research, data entry and additional property inspections will be supported by the registry fee included in the companion Implementing Order.

## Track Record/Monitor

The Office of Neighborhood Compliance (ONC) shall collect the registry fee and maintain a list of registered properties and the fees collected. The registry fee shall be renewable every 12 months from the month in which the property was registered.

## Background

On December 2, 2008, the Board of County Commissioners, through Ordinance 08-134, approved changes to Chapter 17A of the Code of Miami-Dade County to create a registry to track single family dwellings that are subject to foreclosure actions. The intent is to monitor and track these residences to prevent blight or unsightly conditions. Registrants have thirty (30) days from the date of foreclosure action to register a residential property with ONC. Registrations must be renewed annually. Failure to register in a timely basis may result in penalties in the form of civil citations. Upon registration, all properties are inspected for compliance by ONC. Failure to properly maintain a registered property will result in enforcement action against the registrant, property owner, operator or other responsible party, including cost recovery for enforcement activities, costs to ablate violations and civil penalties.

  
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Alex Muñoz  
Assistant County Manager



# MEMORANDUM

(Revised)

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

**DATE:** June 2, 2009

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

**SUBJECT:** Agenda Item No.

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 Mayor'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.

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

RESOLUTION CREATING IMPLEMENTING ORDER  
10-14 RELATING TO FORECLOSURE REGISTRY

**WHEREAS**, this Board desires to accomplish the purposes outlined in the accompanying memorandum, a copy of which is incorporated herein by reference,

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA**, that this Board approves the creation of Implementing Order 10-14 relating to Foreclosure Registry, in substantially the form attached hereto and made a part hereof; and authorizes the County Mayor or Mayor's designee to exercise any and all rights conferred therein.

The foregoing resolution 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:

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

The Chairperson thereupon declared the resolution duly passed and adopted this 2nd day of June, 2009. 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

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

Approved by County Attorney as  
to form and legal sufficiency.



Thomas H. Robertson

I.O. No.: 10-14  
Ordered:  
Effective:

**MIAMI-DADE COUNTY  
IMPLEMENTING ORDER  
FORECLOSURE REGISTRY**

**AUTHORITY:**

Section 1.01 of the Miami-Dade County Home Rule Amendment and Charter

**POLICY:**

It is the intent of the Board of County Commissioners, through the enactment of sections 17A-18 to 17A-20 of the Code of Miami-Dade County to provide a registry of single family residential dwelling units, including condominium, duplexes and town home units, where the individual unit is the subject of a Foreclose Action. Through this registry, residences that are at risk of or have become vacant, overgrown, dilapidated or in poor repair can be tracked and remediated to prevent blight or unsightly conditions.

The party who registers a property according to the requirements of Chapter 17A-19 shall be responsible for maintenance of a property in foreclosure action when the property is vacant.

**PROCEDURE:**

**Requirement to Register Residential Property Subject to Foreclosure:**

Upon the filing of a lis pendens or an action to foreclose upon a mortgage or other instrument of debt which debt is secured by the real property of a single family dwelling unit, whether a house, townhouse, condominium or duplex, the holder or owner of said mortgage or other debt instrument, or the party bringing the foreclosure action, shall immediately register the single family dwelling unit with the Office of Neighborhood Compliance. This Implementing Order shall apply to all property for which a Lis Pendens or other foreclosure action is filed after December 12, 2008.

**Registration Procedure:**

Registry forms from the Office of Neighborhood Compliance (ONC) shall be available on the ONC website, at the Clerk of Courts Foreclosure Filing Unit, and at the ONC's administrative offices. Registrants shall mail the completed and executed form to the ONC at the address indicated on the registry form, along with a check made payable to the Board of County Commissioners for the registry fee amount indicated on the ONC Fee Schedule. A registry form is required for each house, townhouse, condominium or duplex that is the subject of a foreclosure action. Registrants shall have thirty (30) days from the lis pendens or other foreclosure action filing date in which to register with the ONC. Property registrations shall be renewed every 12 months. The renewal form shall be due at the end of the 13<sup>th</sup> month following the original registration date. Failure to register a property on a timely basis may result in penalties in the form of civil citations.

It shall be the responsibility of the Registrant to notify the Office of Neighborhood Compliance in writing when there is a change of registrant contact information.

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**Registration Inspection and Enforcement Procedure:**

Upon registration of any dwelling unit as set forth in this Implementing Order, the Minimum Housing Enforcement Officer, or his or her assistant, shall conduct an inspection of the registered real property to determine its compliance with the provisions of Chapter 17A and/or the provisions of Chapter 19 of the County Code.

In the event the property is not in compliance, a courtesy Notice of Violation shall be sent to the person or entity responsible for the property and to the owner of the property as listed in the Property Tax Records of Miami-Dade County. Failure to abate the violations with the time given in the notice shall result in formal enforcement action pursuant to Chapter 17A and 19.

Failure of the registrant, property owner, operator, or other responsible party to maintain the property shall result in enforcement action in the form of enforcement cost recovery fees, civil penalties, and costs to abate violations in accordance with the provisions of Chapter 17A and 19. Remediation and securing costs shall be charged to the registrant, property owner, operator, or other responsible party subject to the provisions in these Chapters.

This Implementing Order is hereby submitted to the Board of County Commissioners of Miami-Dade County, Florida

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

Approved by County Attorney as  
to form and legal sufficiency \_\_\_\_\_

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