MEMORANDUM

Agenda Item No. 14(A)(7)

TO:	Honorable Chairman Dennis C. Moss and Members, Board of County Commissioners	**DATE:**	May 19, 2009
FROM:	R. A. Cuevas, Jr. County Attorney	**SUBJECT:**	Resolution directing the Mayor to develop a plan to address the high number of foreclosures and its affects on families

The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor Senator Javier D. Souto.

R. A. Cuevas, Jr.
County Attorney

RAC/jls

MEMORANDUM
(Revised)

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

DATE: May 19, 2009

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

SUBJECT: Agenda Item No. 14(A)(7)

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. 14(A)(7)
5-19-09

RESOLUTION NO. _____

RESOLUTION DIRECTING THE MAYOR OR DESIGNEE TO DEVELOP A PLAN TO ADDRESS THE HIGH NUMBER OF FORECLOSURES AND ITS AFFECTS ON FAMILIES, WITH AN EMPHASIS ON PROGRAMS FOCUSED ON HELPING FAMILIES STAY IN THEIR HOMES BY AVOIDING THE FILING OF FORECLOSURE CASES AND BY PROVIDING ONE-STOP ASSISTANCE CENTERS FOR FAMILIES FACING FORECLOSURE THAT COULD PROVIDE ACCESS TO ALL AVAILABLE FEDERAL, STATE AND LOCAL FORECLOSURE ASSISTANCE AND COUNSELING RESOURCES; URGING CONGRESS AND THE FLORIDA LEGISLATURE TO PASS LEGISLATION ASSISTING FAMILIES IN AVOIDING FORECLOSURE

WHEREAS, mortgage foreclosure filings have been rising sharply in Miami-Dade County since mid-2006 and continue to rise; and

WHEREAS, in 2006, there were less than 10,000 foreclosure actions filed in Miami-Dade County, in 2007, there were 26,441 and in 2008, there were 55,968; and

WHEREAS, in the first three months of 2009, there were almost 20,000 foreclosure actions filed, almost doubling in three months the total number of foreclosures in 2006; and

WHEREAS, mortgage foreclosures disrupt families and can particularly prove difficult and harmful for children; and

WHEREAS, every effort should be made to avoid foreclosures and keep families in their homes; and

WHEREAS, on February 5, 2008, this Board passed Resolution No. 139-08, Prime Sponsor Commissioner Carlos A. Gimenez, which directed the Administration to develop a plan to address the impacts of significant increases in foreclosures and other related issues; and

WHEREAS, on August 25, 2008, the Administration presented a foreclosure assistance and prevention report to the Board; and

WHEREAS, the foreclosure assistance and prevention report recommended that a Foreclosure Prevention Task Force be created that would provide community seminars and events on mortgage foreclosures, refer individuals in need of foreclosure counseling to nonprofit organizations that can help them, enhance community awareness of the services, both county and non-county that are available to residents, and monitor federal and state legislation related to foreclosure prevention; and

WHEREAS, on March 27, 2009, the Florida Supreme Court issued an administrative order creating a Task Force on Residential Mortgage Foreclosure Cases with the goal of developing a statewide system of mediation or other alternate dispute resolution efforts that would protect the rights of the homeowners and lenders; and

WHEREAS, on April 9, 2009, 11th Judicial Circuit Chief Judge Joseph Farina issued an administrative order creating the 11th Circuit Homestead Access to Mediation ("CHAMP") program for residential foreclosure cases involving homestead property in Miami-Dade County; and

WHEREAS, the CHAMP program refers all foreclosure cases within five days of filing to mediation with the Collins Center for Public Policy, which is a nonprofit entity; and

WHEREAS, on May 8, 2009, the Florida Supreme Court's Residential Mortgage Foreclosure Task Force issued an interim report recommending the implementation of a statewide mandatory mediation program that would require banks to work with homeowners before moving ahead on a foreclosure filing; and

WHEREAS, many worthwhile efforts are underway to address the mortgage foreclosure crisis, but more can be done to assist families facing foreclosure; and

WHEREAS, additional programs should be implemented at the federal, state and local levels that are focused on the time period when a family begins to fall behind on their mortgage payments and before a foreclosure case is filed; and

WHEREAS, efforts should also be pursued to encourage banks to provide greater assistance to families facing foreclosure, especially since Congress has provided banks with large sums of taxpayer money as part of recent economic bailouts; and

WHEREAS, the federal government rushed to dole out millions of taxpayer dollars to bail out large banks, some of which had helped to cause the very residential mortgage crisis by issuing subprime loans to families that these banks should have known would fall into financial trouble in the future; and

WHEREAS, Congress is currently considering legislation that would allow bankruptcy judges the flexibility to modify the terms of home loans; and

WHEREAS, current bankruptcy laws afford homeowners with financial problems very little protection related to their home loans, even though bankruptcy courts can modify virtually any other type of debt including loans related to vacation homes, cars and boats; and

WHEREAS, one-stop assistance centers also could be created in counties across Florida to provide families facing foreclosure access to all available federal, state and local assistance and counseling resources,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that this Board:

Section 1. Strongly supports all the efforts currently underway to help families facing foreclosure.

Section 2. Directs the Mayor or Designee to develop a plan to address the high number of foreclosures and its affects on families, with an emphasis on programs focused on helping families stay in there homes by avoiding the filing of foreclosure cases and by providing one-stop assistance centers to provide families facing foreclosure access to all available federal, state and local assistance and counseling resources. A report containing the findings and recommendations resulting from this study shall be submitted to this Board within 45 days of the adoption of this resolution.

Section 3. Urges Congress and the Florida Legislature to pass legislation helping families to avoid foreclosures, including but not limited to the issues set forth in section 2 above.

Section 4. Urges Congress to pass legislation providing bankruptcy judges greater flexibility to modify the terms of home loans.

Section 5. Directs the Clerk of the Board to transmit a certified copy of this resolution to the U.S. President, President Pro Tempore of the U.S. Senate, the Speaker of the U.S. House, the members of the Miami-Dade Congressional Delegation, Florida's Governor, the Florida Attorney General, the Florida Chief Financial Officer, Florida Senate President, Florida House Speaker, and the Chair and Members of the Miami-Dade County State Legislative Delegation, the President of the Florida Association of Counties, and the President of the Florida League of Cities.

Section 6. Directs the County's federal and state lobbyists to advocate for the legislation set forth in Sections 3 and 4 above, and authorizes and directs the Office of

Intergovernmental Affairs to amend the 2009 and 2010 Federal Legislative Package and the 2010 State Legislative Package to include these items.

The Prime Sponsor of the foregoing resolution is Sen. 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:

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
Dorrin D. Rolle	Natacha Seijas
Katy Sorenson	Rebeca Sosa
Sen. Javier D. Souto	

The Chairperson thereupon declared the resolution duly passed and adopted this 19th day of May, 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.

Jess M. McCarty