

MEMORANDUM

INLUC
Agenda Item No. 1(E)6

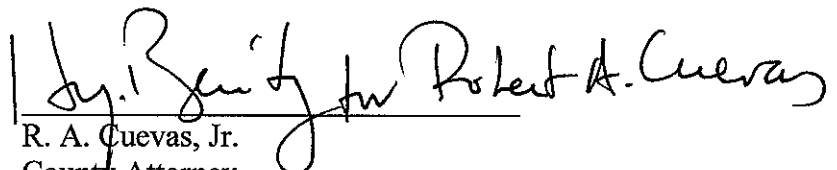
TO: Honorable Chairman Joe A. Martinez
and Members, Board of County Commissioners

DATE: July 13, 2011

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

SUBJECT: Ordinance creating Amnesty
Period; creating a limited
exception from the civil
penalties and liens for
Building Code violations upon
a homeowner's compliance
with the Building Code

The accompanying ordinance was prepared and placed on the agenda at the request of Prime Sponsor Chairman Joe A. Martinez.



R. A. Cuevas, Jr.
County Attorney

RAC/jls

Memorandum



Date:

To: Honorable Chairman Joe A. Martinez
and Members, Board of County Commissioners

From: Alina T. Hudak
County Manager

A handwritten signature in black ink, appearing to read "Alina T. Hudak", written over the printed name.

Subject: Ordinance creating an amnesty period and a limited exception from civil penalties and liens for building code violations

The proposed ordinance creating an amnesty period and a limited exception from civil penalties and liens for building code violations may have a fiscal impact to the County, as a result of waiving civil penalties and liens previously assessed by the County. However, the fiscal impact estimate will vary depending on the number of homeowners that opt to be covered during this amnesty period, which at this time is very difficult to calculate.

A handwritten signature in black ink, appearing to read "Susanne M. Torriente", written over the printed name.

Susanne M. Torriente
Sustainability Director

Fis4811



MEMORANDUM

(Revised)

TO: Honorable Chairman Joe A. Martinez
and Members, Board of County Commissioners

DATE: June 21, 2011

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

SUBJECT: Agenda Item No. 14(A)(4)

Please note any items checked.

_____ "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

_____ Ordinance creating a new board requires detailed County Manager's report for public hearing

_____ No committee review

_____ Applicable legislation requires more than a majority vote (i.e., 2/3's _____, 3/5's _____, unanimous _____) to approve

_____ Current information regarding funding source, index code and available balance, and available capacity (if debt is contemplated) required

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Approved _____ Mayor
Veto _____
Override _____

Agenda Item No. 14(A)(4)
6-21-2011

ORDINANCE NO. _____

ORDINANCE CREATING AMNESTY PERIOD; CREATING A LIMITED EXCEPTION FROM CIVIL PENALTIES AND LIENS FOR BUILDING CODE VIOLATIONS UPON A HOMEOWNER'S COMPLIANCE WITH THE BUILDING CODE; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

WHEREAS, Miami-Dade County is in the midst of a severe economic crisis; and

WHEREAS, this Board wishes to encourage compliance with the Building Code while being mindful of the hardships that result to homeowners from the strict application of the County's system of fines and penalties relating to building code violations; and

WHEREAS, to accomplish these purposes, this Board wishes to create a limited exception from civil penalties and liens resulting from Building Code violations upon a homeowner's compliance with the Building Code in the manner more particularly set forth below,

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA:

Section 1. Upon application of a homeowner, the County shall waive any and all civil penalties related to the enforcement of the Building Code in connection with a structure, and all liens related to such civil penalties, provided the homeowner satisfies each of the following conditions:

- (a) A permit is issued to bring the structure into compliance with the Building Code within the Amnesty Period as defined in this ordinance; and
- (b) The structure is brought into compliance with the Building Code within the period provided in the Building Code for completion of the work under the permit obtained within the Amnesty Period; and
- (c) All direct costs of the Building Department in connection with prior enforcement in connection with the structure, as documented by the Building Department, shall be satisfied in full.

For purposes of this ordinance, a homeowner shall be understood as the person with direct and beneficial ownership of the affected structure, but shall not include a financial institution which has acquired the home through foreclosure.

Section 2. The Amnesty Period shall commence on the effective date of this ordinance and end on Tuesday, January 4, 2012. This ordinance shall not apply in the event that the County has commenced a civil action to collect on the civil penalties or to foreclose a lien. This ordinance shall not serve as a defense against any such action or against any enforcement action brought by the County.

Section 3. The Building Official is hereby directed to implement the necessary procedures and to develop the necessary documents to give effect to the intent of this ordinance.

Section 4. If any section, subsection, sentence, clause or provision of this ordinance is held invalid, the remainder of this ordinance shall not be affected by such invalidity.

Section 5. It is the intention of the Board of County Commissioners, and it is hereby ordained that the provisions of this ordinance, shall be excluded from the Code of Miami-Dade County.

Section 6. This ordinance shall become effective ten (10) days after the date of enactment unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

PASSED AND ADOPTED:

Approved by County Attorney as
to form and legal sufficiency:

JB for RDC
JB

Prepared by:

Hugo Benitez

Prime Sponsor: Chairman Joe A. Martinez