

MEMORANDUM

Agenda Item No. 7(H)

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

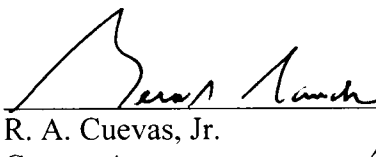
DATE: August 2, 2011

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 item was amended at the 7-13-2011 Infrastructure and Land Use Committee to extend the length of the amnesty period through six months following the effective date of the ordinance.

The accompanying ordinance was prepared and placed on the agenda at the request of Prime Sponsor Chairman Joe A. Martinez and Co-Sponsors Vice Chairwoman Audrey M. Edmonson, Commissioner Jean Monestime and Commissioner Rebeca Sosa.


R. A. Cuevas, Jr.
County Attorney

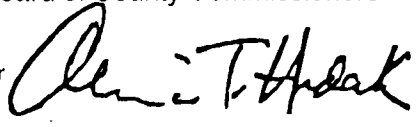
RAC/jls

Memorandum

MIAMI-DADE
COUNTY

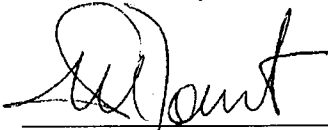
Date: August 2, 2011

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

From: Alina T. Hudak
County Manager 

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.



Susanne M. Torriente
Sustainability Director

Fis4811



MEMORANDUM

(Revised)

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

DATE: August 2, 2011

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

SUBJECT: Agenda Item No. 7(H)

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**

Approved _____ Mayor
Veto _____
Override _____

Agenda Item No. 7(H)
8-2-2011

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]]~~ >>six months thereafter.<<¹ 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.

¹ Committee amendments are indicated as follows: words double stricken through and/or [[double bracketed]] shall be deleted, words double underlined and/or >>double arrowed<< constitute the amendment proposed.

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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:

GKS for RAC

Prepared by:

HBF

Hugo Benitez

- Prime Sponsor: Chairman Joe A. Martinez
- Co-Sponsors: Vice Chairwoman Audrey M. Edmonson
- Commissioner Jean Monestime
- Commissioner Rebeca Sosa