

MEMORANDUM

Agenda Item No. 11(A)(3)

TO: Honorable Chairwoman Rebeca Sosa
and Members, Board of County Commissioners

DATE: June 4, 2013

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

SUBJECT: Resolution directing the County Mayor to prepare a report on strategies to facilitate coordination between police and financial institutions and to develop proposed agreements with financial institutions to recommend to the board of County Commissioners to address squatting in private properties

The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor Vice Chair Lynda Bell.



R. A. Cuevas, Jr.
County Attorney

RAC/lmp



MEMORANDUM

(Revised)

TO: Honorable Chairwoman Rebeca Sosa
and Members, Board of County Commissioners

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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 Mayor'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. 11(A)(3)
6-4-13

RESOLUTION NO. _____

RESOLUTION DIRECTING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO PREPARE A REPORT ON STRATEGIES TO FACILITATE COORDINATION BETWEEN POLICE AND FINANCIAL INSTITUTIONS AND TO DEVELOP PROPOSED AGREEMENTS WITH FINANCIAL INSTITUTIONS TO RECOMMEND TO THE BOARD OF COUNTY COMMISSIONERS TO ADDRESS SQUATTING IN PRIVATE PROPERTIES

WHEREAS, news reports indicate that increased foreclosures in recent years have led to increased incidents of squatters occupying homes to which they do not have a valid lease or title; and

WHEREAS, these squatters have broken into these homes, moved in and changed the locks to deny the legitimate owners entry to and use of their own properties; and

WHEREAS, legitimate owners may be forced into costly court battles to evict squatters where squatters present some document, such as a forged or fraudulent lease, which appears to show the squatter's right to occupy the property; and

WHEREAS, news reports have indicated that squatters sometimes occupy a property for the purpose of demanding money from the owner before agreeing to leave in a "cash for keys" arrangement, particularly if the property was foreclosed and held by a large financial institution; and

WHEREAS, there have been news reports of illegal squatters in Florida attempting to obtain property rights through adverse possession, a real property statute under which an

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occupant without color of title may attempt to claim a property by meeting numerous requirements including actual continued occupation for seven years; and

WHEREAS, potential reforms to Florida adverse possession law were recently introduced in the 2013 legislative session, with House Bill 903 and Senate Bill 1166 proposing the requirements that an adverse possessor pay all mortgages and liens on the property and control the property through maintenance or improvement of the exterior of any structure or the land while forbidden from entering any structure on the property until the end of the adverse possession period; and

WHEREAS, there have been recent reports of squatting in Miami-Dade County in foreclosed and other properties, including a reported incident of alleged squatters living rent-free in a million-dollar home in Coral Gables; and

WHEREAS, illegal squatting introduces onerous social and economic costs, draining the time and resources of legitimate property owners, financial institutions, judiciary, police, and other community stakeholders,

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

Section 1. Directs the County Mayor or County Mayor's designee to prepare a report on strategies (1) to facilitate coordination between police and financial institutions to address squatting by individuals without right to occupy private properties and (2) to ensure the financial and banking sector will appropriately bear attributable costs associated with squatting. Proposed strategies shall include provision of education to homeowners on how to protect themselves against foreclosure scams.

Section 2. Directs the County Mayor or County Mayor's designee to negotiate and develop agreements with major financial institutions to recommend to this Board for approval. Proposed agreements should have zero fiscal impact to the County, require the financial institutions to provide the Miami-Dade Police Department with their lists of foreclosed properties, and provide for Miami-Dade police officers to be available to the financial institutions to monitor foreclosed properties for trespassers so long as such monitoring does not interfere in the sole discretion of the County with the police officers' regular duties, jurisdictional authority or discretion as to law enforcement activities, particularly as to life-threatening matters.

Section 3. Directs the County Mayor or County Mayor's designee to provide the report and to recommend the proposed agreements required under Sections 1 and 2 above to this Board for consideration within ninety days of the adoption of this item.

The Prime Sponsor of the foregoing resolution is Vice Chair Lynda Bell. 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:

Rebeca Sosa, Chairwoman

Lynda Bell, Vice Chair

Bruno A. Barreiro

Jose "Pepe" Diaz

Sally A. Heyman

Jean Monestime

Sen. Javier D. Souto

Juan C. Zapata

Esteban L. Bovo, Jr.

Audrey M. Edmonson

Barbara J. Jordan

Dennis C. Moss

Xavier L. Suarez

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The Chairperson thereupon declared the resolution duly passed and adopted this 4th day of June, 2013. 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.



Estephanie Resnik

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