



MEMORANDUM

Agenda Item 15B2

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

DATE: May 6, 2014

FROM: Honorable Harvey Ruvin, Clerk
Circuit and County Courts

SUBJECT: Resolution CHR-2014-01 of the Miami-Dade Commission on Human Rights urging the Miami-Dade Board of County Commissioners to adopt an Ordinance amending Chapter 11A of the Code of Miami-Dade County, Florida, Relating to Notice Requirements for Condominium Associations, Homeowner's Associations and Cooperative Associations Communities when rejecting or approving renters or buyers of dwelling units

Christopher Agrippa, Director
Clerk of the Board Division

Attached for your information is a copy of Resolution CHR-2014-01 of the Miami-Dade Commission on Human Rights urging the Miami-Dade Board of County Commissioners to adopt an ordinance amending Chapter 11A of the Code of Miami-Dade County, Florida, relating to notice requirements for condominium associations, homeowner's associations and cooperative associations communities when rejecting or approving renters or buyers of dwelling units.

CA/lc

Attachment

WHEREAS, the Commission finds that presently there is no requirement in state or local laws that requires condominium associations, homeowners' associations, or cooperative associations to provide notice to perspective renters or buyers of dwelling units indicating the reasons their applications are approved or denied; and

WHEREAS, because there is no legal requirement to provide such notice, the Commission finds that condominium associations, homeowners' associations, or cooperative associations may deny perspective renters or buyers of dwelling units based on their race, color, religion, ancestry, national origin, sex, pregnancy, age, disability, marital status, familial status, sexual orientation or source of income; and

WHEREAS, a denial of a perspective renter based on one of these protected classifications would constitute a violation of the Human Rights Ordinance; and

WHEREAS, the Commission finds that condominium associations, homeowners' associations, and cooperative associations should have transparent processes when evaluating rental applications submitted by perspective renter; and

WHEREAS, the Commission also finds that the housing protections set forth in the Human Rights Ordinance would be enhanced by requiring boards such as condominium associations, homeowners' associations, and cooperative associations to provide certain written notices in conjunction with an application to rent or purchase a dwelling,

NOW, THEREFORE, BE IT RESOLVED BY THE MIAMI-DADE COMMISSION ON HUMAN RIGHTS, that:

Section 1. The foregoing recitals are incorporated in this resolution and are approved.

Section 2. The Commission urges the Board to enact an ordinance amending the Human Rights Ordinance to require condominium associations, homeowners' associations, and

cooperative associations to provide written notification to perspective renters or buyers of dwelling units who are approved or denied housing. The Commission further recommends that such ordinance should include the following elements:

- a. Within fifteen (15) days after receipt of any incomplete or incorrectly completed application (or amended application) to purchase or rent a dwelling unit, the condominium association, homeowners' association, or cooperative association shall provide the applicant with written notice specifically identifying any and all items in the application that need to be completed or corrected.
- b. Within forty-five (45) days after receipt of a correctly completed application, the association shall either reject or approve the application and shall provide the applicant with written notice of same. If the application is rejected, the written notice must state with specificity each reason for the rejection.
- c. If the condominium association, homeowners' association, or cooperative association fails to comply with the provisions of the Human Rights Ordinance, the Commission may send a demand letter requesting that the condominium association, homeowners' association, or cooperative association, within ten (10) days after the date of the demand letter, provide to the applicant and the Commission a written acknowledgement of application receipt, notice of approval or rejection of the application, and notice specifying each reason for the rejection (if applicable). The failure of the condominium association, homeowners' association, or cooperative association to timely comply with this provision may be considered in determining whether reasonable cause exists to believe the association's decision or action was discriminatory.

Section 3. The Commission directs the Director's Office to provide a copy of this resolution to the Miami-Dade Board of County Commissioners and the Clerk of the Board.

It was offered by Commission on Human Rights Member Rob Collins, Esq., who moved its adoption. The motion was seconded by Commission on Human Rights Member Rene Gonzalez-Llorens, Esq., and upon being put to a vote, the vote was as follows:

Victor Romano, Ph.D. Chair	Aye
Rob Collins, Esq., 1 st Vice-Chair	Aye
Yvonne Sepulveda, 2 nd Vice-Chair	Absent

Faye Davis	Aye	Rene Gonzalez-Llorens, Esq.	Aye
Ronald Lieberman, Esq.	Absent	Patricia Wright	Absent
Sabrina Salomon, Esq.	Absent	Judy Jackson Chorlog, Esq.	Absent
Patricia Wright	Absent	Marta Navarro	Aye
Michelle Dunaj-Lucking, Esq.	Absent	Patricia Ford	Absent
Kenneth Kilpatrick	Aye	Jorge Rosario	Absent
Ralph Solernou, Jr., Esq.	Absent	Eduardo Hernandez	Absent
Samantha Simonhoff	Absent	Dionne Stephens	Absent

The Chairperson thereupon declared the resolution duly passed and adopted this 28th day of January, 2014.

MIAMI-DADE COMMISSION ON HUMAN RIGHTS

By: *Yvonne B. Benjamin*
 Clerk of Commission on Human Rights

Approved by County Attorney as to form and legal sufficiency.

AMS

Terrence A. Smith
 Assistant County Attorney