

MEMORANDUM

Agenda Item No. 7(G)

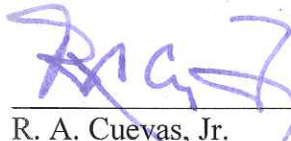
TO: Honorable Chairwoman Rebeca Sosa
and Members, Board of County Commissioners

DATE: (Second Reading 7-1-14)
May 20, 2014

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

SUBJECT: Ordinance establishing notice requirements for condominium associations, homeowners' associations and cooperative associations communities when rejecting or approving prospective buyers or renters; creating Section 11A-18.1 of the Code

The accompanying ordinance was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Sally A. Heyman, and Co-Sponsors Commissioner Jose "Pepe" Diaz, Commissioner Audrey M. Edmonson and Commissioner Jean Monestime.



R. A. Cuevas, Jr.
County Attorney

RAC/smm

Memorandum



Date: July 1, 2014

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

From: Carlos A. Gimenez
Mayor

A handwritten signature in black ink, appearing to read "Carlos A. Gimenez", written over the name in the "From:" field.

Subject: Ordinance establishing notice requirements for condominium associations, homeowners' associations and cooperative associations communities when rejecting or approving perspective buyers or renters; creating section 11A-18.1 of the Code

The proposed ordinance creates Section 11A-18.1 of the code and establishes notice requirements for condominium associations, homeowners' associations and cooperative associations' communities when rejecting or approving perspective buyers or renters. It is anticipated that the implementation of this new ordinance will have a fiscal impact to the County, should it result in additional complaints filed with the Miami Dade County Commission on Human Rights that must be processed. The additional costs of implementing this ordinance are not part of the current budget and are difficult to determine without knowing the number of complaints that may be filed.

A handwritten signature in black ink, appearing to read "Edward Marquez", written over the name and title in the signature block.

Edward Marquez
Deputy Mayor

Fis7614



MEMORANDUM

(Revised)

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

DATE: July 1, 2014

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

SUBJECT: Agenda Item No. 7(G)

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

Approved _____ Mayor
Veto _____
Override _____

Agenda Item No. 7(G)
7-1-14

ORDINANCE NO. _____

ORDINANCE ESTABLISHING NOTICE REQUIREMENTS FOR CONDOMINIUM ASSOCIATIONS, HOMEOWNERS' ASSOCIATIONS AND COOPERATIVE ASSOCIATIONS COMMUNITIES WHEN REJECTING OR APPROVING PERSPECTIVE BUYERS OR RENTERS; CREATING SECTION 11A-18.1 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

WHEREAS, the Miami-Dade Board of County Commissioners ("Board") adopted Ordinance No. 97-17, as amended and as codified in Chapter 11A of the Code of Miami-Dade County ("Code"); and

WHEREAS, the Board exercising its police powers for the public safety, health and general welfare enacted the Code to eliminate and prevent discrimination in employment, family leave, public accommodations, credit and financing practices, and housing accommodations because of race, color, religion, ancestry, national origin, sex, pregnancy, age, disability, marital status, familial status, sexual orientation or source of income; and

WHEREAS, pursuant to Sections 11A-3 and 11A-4 of the Code the Board established the Office of the Commission on Human Rights ("Director's Office") and the Commission on Human Rights ("Commission"), respectively; and

WHEREAS, the Director's Office and the Commission have been delegated the authority to enforce the provisions of the Code, including but not limited to Article II relating to housing discrimination; and

WHEREAS, the Board finds that the County has an obligation to protect its citizens from all forms of discrimination; and

WHEREAS, the Board finds that presently there are no requirements in state or local laws that require condominium associations, homeowners' associations, or cooperative associations to provide to perspective buyers or renters notice indicating the reasons their applications are approved or denied; and

WHEREAS, because there is no legal requirement to provide such notice, the Board finds that condominium associations, homeowners' associations, or cooperative associations may deny perspective buyers or renters 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 or buyer based on one of these protected classifications would constitute a violation of the Code and other applicable laws and regulations; and

WHEREAS, the Board finds that condominium associations, homeowners' associations, and cooperative associations should have transparent processes when evaluating applications submitted by perspective buyers or renters; and

WHEREAS, the Board also finds that the present housing protections from discrimination based on race, color, religion, ancestry, national origin, sex, pregnancy, age, disability, marital status, familial status, sexual orientation or source of income would be enhanced by requiring condominium associations, homeowners' associations, and cooperative associations to provide certain written notices in conjunction with an application to purchase or rent a dwelling,

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

Section 1. Section 11A-18.1 of the Code of Miami-Dade County, Florida, is hereby created to read as follows:¹

Sec. 11A-18.1. Required notices in connection with application to purchase or rent a dwelling.

- (a) Within fifteen (15) days after receipt of any incomplete or incorrectly completed application (or amended application) to purchase or rent a dwelling, 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 condominium association, homeowners' association, or cooperative 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 Sec. 11A-18.1 (a) and (b), of this article, the Director or 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 Director or the Commission a written acknowledgement of application receipt, notice of approval or rejection of the application, and notice specifying each

¹ Words stricken through and/or [[double bracketed]] shall be deleted. Words underscored and/or >>double arrowed<< constitute the amendment proposed. Remaining provisions are now in effect and remain unchanged.

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 2. 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 3. It is the intention of the Board of County Commissioners, and it is hereby ordained that the provisions of this ordinance, including any sunset provision, shall become and be made a part of the Code of Miami-Dade County, Florida. The sections of this ordinance may be renumbered or relettered to accomplish such intention, and the word "ordinance" may be changed to "section," "article," or other appropriate word.

Section 4. 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:



Prepared by:



Terrence A. Smith

Prime Sponsor:

Commissioner Sally A. Heyman

Co-Sponsors:

Commissioner Jose "Pepe" Diaz

Commissioner Audrey M. Edmonson

Commissioner Jean Monestime