

# MEMORANDUM

Agenda Item No. 11(A)(16)

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

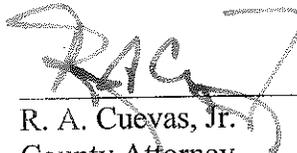
**DATE:** November 5, 2014

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

**SUBJECT:** Resolution improving  
homebuyer counseling in  
County-funded homebuyer  
counseling and loan programs;  
directing County Mayor  
to require that County-funded  
Homebuyer Counseling Agencies  
teach additional topics and to  
incorporate into County-funded  
homebuyer counseling and  
loan programs monitoring of  
counseling classes and  
requirements that homebuyers  
obtain home inspections

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

  
\_\_\_\_\_  
R. A. Cuevas, Jr.  
County Attorney

RAC/jls



**MEMORANDUM**  
(Revised)

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

**DATE:** November 5, 2014

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

**SUBJECT:** Agenda Item No. 11(A)(16)

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

Agenda Item No. 11 (A) (16)

Veto \_\_\_\_\_

11-5-14

Override \_\_\_\_\_

RESOLUTION NO. \_\_\_\_\_

RESOLUTION IMPROVING HOMEBUYER COUNSELING IN COUNTY-FUNDED HOMEBUYER COUNSELING AND LOAN PROGRAMS; DIRECTING COUNTY MAYOR OR MAYOR'S DESIGNEE TO REQUIRE THAT COUNTY-FUNDED HOMEBUYER COUNSELING AGENCIES TEACH ADDITIONAL TOPICS AND TO INCORPORATE INTO COUNTY-FUNDED HOMEBUYER COUNSELING AND LOAN PROGRAMS MONITORING OF COUNSELING CLASSES AND REQUIREMENTS THAT HOMEBUYERS OBTAIN HOME INSPECTIONS; AND AUTHORIZING THE COUNTY MAYOR OR MAYOR'S DESIGNEE TO AMEND THE COUNTY'S HOMEBUYER PROGRAM GUIDELINES TO EFFECTUATE THE FOREGOING

**WHEREAS**, Miami-Dade County funds programs which provide to income-qualified homebuyers education and counseling regarding the purchase and financing of a home; and

**WHEREAS**, the County requires that participants in Miami-Dade County's Second Mortgage Loan Program for first-time homebuyers, administered through the Public Housing and Community Development Department, attend a homebuyer counseling course from an approved counseling agency; and

**WHEREAS**, the County currently funds four (4) counseling agencies approved by the United States Department of Housing and Urban Development ("HUD"): Trinity Empowerment, Centro Campesino, Mortgage Expert Resources, and Miami Beach Community Development Corporation (the "Homebuyer Counseling Agencies"); and

**WHEREAS**, the Homebuyer Counseling Agencies provide education and counseling services to participants in the County's homebuyer loan programs and also to other income-qualified homebuyers not participating in the County's loan programs; and

**WHEREAS,** the Homebuyer Counseling Agencies are required to cover a variety of topics, which include fair housing practices, credit counseling, budget and money management, financial literacy, proximity of schools, employment and transportation, home maintenance, the mortgage approval and post-closing process, selecting a neighborhood, locating a home, negotiating a purchase price, and finding appropriate financing; and

**WHEREAS,** the Board seeks to improve homebuyer counseling by requiring that the Homebuyer Counseling Agencies cover additional topics, requiring frequent and random monitoring of classes, and requiring that homebuyers obtain code inspections, all in order to prevent hardships on homebuyers; and

**WHEREAS,** a home inspection can help homeowners determine the condition of a home they intend to purchase and can be useful in preventing homebuyers from purchasing homes with structural or other problems,

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

**Section 1.** The Board directs the County Mayor or Mayor's designee to require that Homebuyer Counseling Agencies teach additional topics to be determined by the County Mayor or Mayor's designee but which shall include: the legal significance of buying a home using a purchase and sale agreement containing an "AS IS" clause, homebuyers' right to select their own title agent, and homebuyers' right to have the property inspected by an inspector of their choice. Further, the County Mayor or Mayor's designee is directed to incorporate into its homebuyer counseling and homebuyer loan programs frequent and random monitoring of homebuyer counseling classes to ensure that these new topics as well as the current required topics are being taught.

**Section 2.** The Board directs the County Mayor or Mayor's designee to incorporate into County-funded homebuyer loan programs the requirement that homebuyers obtain an inspection by a qualified home inspector of the home they intend to purchase. The County Mayor or Mayor's designee may determine whether said inspection shall be conducted by the County or a private inspector and what qualifications the County will require of the inspector. The breadth of the home inspection shall be sufficient to alert homebuyers of significant defects in the home, including structural problems, and identify whether the home is in compliance with the Miami-Dade County Building Code.

**Section 3.** The County Mayor or Mayor's designee is authorized to amend the County's homebuyer program guidelines to account for the increased homebuyer counseling requirements, the requirement of the home inspection, and payment of said inspection, either by the homebuyer in cash or using the funds loaned to the homebuyer from the County. The County Mayor or Mayor's designee shall return to the Board with recommended legislation if authority of the Board is required in order to incorporate into the homebuyer program guidelines the ability for the homebuyer to use the homebuyer loan from the County to pay for the home inspections. The County Mayor or Mayor's designee may incorporate into the homebuyer program guidelines the discretion to deny a homebuyer loan on a particular property based upon substantial negative findings in the home inspection upon a determination that denying a loan is in the best interest of the County.

The Prime Sponsor of the foregoing resolution is Chairwoman Rebeca Sosa and the Co-Sponsor 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

The Chairperson thereupon declared the resolution duly passed and adopted this 5<sup>th</sup> day of November, 2014. 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.



Brenda Kuhns Neuman