MEMORANDUM

Agenda Item No. 7(I)

(Second Reading 5-5-15)

TO:	Honorable Chairman Jean Monestime and Members, Board of County Commissioners	**DATE:**	March 3, 2015
FROM:	R. A. Cuevas, Jr. County Attorney	**SUBJECT:**	Ordinance extending amnesty period created by Ordinance 11-64 for an additional year commencing July 12, 2015; providing for a limited exceptio from civil penalties and liens fo building code violations upon a homeowner's compliance with the Building Code

The accompanying ordinance was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Rebeca Sosa and Co-Sponsor Commissioner Audrey M. Edmonson.

R. A. Cuevas, Jr.
County Attorney

RAC/cp

Memorandum

MIAMI-DADE COUNTY

Date: May 5, 2015

To: Honorable Chairman Jean Monestime
and Members, Board of County Commissioners

From: Carlos A. Gimenez
Mayor

Subject: Ordinance Extending Amnesty Period

The proposed ordinance extends the amnesty period created by Ordinance 11-64 for an for an additional one year commencing July 12, 2015, providing for a limited exception from civil penalties and liens for building code violations upon a homeowner's compliance with the building code.

As a result of continuing to wave penalties and liens previously assessed by the County, a fiscal impact will continue to occur. However, the extent of the fiscal impact resulting from the extension of the amnesty will depend on the number of property owners with outstanding violations that opt to correct the violations and be covered by this ordinance. At this time it is difficult to assess the ultimate fiscal impact.

Jack Osterholt
Deputy Mayor

fis04415

MEMORANDUM

(Revised)

TO: Honorable Chairman Jean Monestime
and Members, Board of County Commissioners

DATE: May 5, 2015

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

SUBJECT: Agenda Item No. 7(I)

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(I)
5-5-15

ORDINANCE NO. _____

ORDINANCE EXTENDING AMNESTY PERIOD CREATED BY ORDINANCE NO. 11-64 FOR AN ADDITIONAL ONE YEAR COMMENCING JULY 12, 2015; PROVIDING FOR A LIMITED EXCEPTION FROM CIVIL PENALTIES AND LIENS FOR BUILDING CODE VIOLATIONS UPON A HOMEOWNER'S COMPLIANCE WITH THE BUILDING CODE; PROVIDING SEVERABILITY, EXCLUSION FROM THE CODE, AND AN EFFECTIVE DATE

WHEREAS, this Board adopted Ordinance No. 11-64 to create a limited exception from civil penalties and liens resulting from Building Code violations upon a homeowner's compliance with the Building Code as a result of the severe economic crisis that existed in Miami-Dade County during a six-month "Amnesty Period" (the "Amnesty Ordinance"); and

WHEREAS, through subsequent amendments, the Amnesty Ordinance was amended to clarify its application and extend its term; and

WHEREAS, this Board most recently adopted Ordinance No. 14-66 extending the Amnesty Ordinance's term to July 12, 2015; and

WHEREAS, this Board wishes to continue 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, this Board wishes to extend the Amnesty Period for an additional one year 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. The Amnesty Period set forth in the Amnesty Ordinance, as most recently amended by Ordinance No. 14-66, shall be extended for an additional one year, commencing July 12, 2015.

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, shall be excluded from the Code of Miami-Dade County.

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:

Oren Rosenthal

Prime Sponsor: Commissioner Rebeca Sosa
Co-Sponsor: Commissioner Audrey M. Edmonson