

# MEMORANDUM

GOC  
Agenda Item No. 1G1

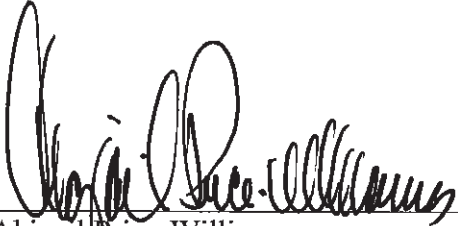
**TO:** Honorable Chairman Esteban L. Bovo, Jr.  
and Members, Board of County Commissioners

**DATE:** March 14, 2017

**FROM:** Abigail Price-Williams  
County Attorney

**SUBJECT:** Ordinance relating to registration and maintenance of distressed properties; amending section 17A-19 of the Code; requiring registration of certain properties conveyed through foreclosure or through deed in-lieu-of foreclosure

The accompanying ordinance was prepared and placed on the agenda at the request of Prime Sponsor Senator Javier D. Souto.



Abigail Price-Williams  
County Attorney

APW/smm

# Memorandum



**Date:**

**To:** Honorable Chairman Esteban L. Boyo, Jr.  
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 printed name in the "From:" field.

**Subject:** Fiscal Impact Statement for Ordinance Relating to Registration and Maintenance of Distressed Properties

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The proposed ordinance amends Section 17A-19 of the Code of Miami-Dade County to require the registration of certain properties conveyed through foreclosure or through deed in-lieu of foreclosure.

The proposed ordinance will not have a fiscal impact to the County as no additional staffing resources will be required. Any additional operating costs associated with researching records and compliance monitoring will be supported by the one-time registry fee authorized in the Code.

A handwritten signature in black ink, appearing to read "Jack Osterholt", written over a horizontal line.

Jack Osterholt  
Deputy Mayor

FIS02117 170324

# Memorandum

MIAMI-DADE  
COUNTY

**Date:**

**To:** Honorable Chairman Esteban L. Bovo, Jr.  
and Members, Board of County Commissioners

**From:** Carlos A. Gimenez  
Mayor




**Subject:** Social Equity Statement for Ordinance Relating to Registration and Maintenance of Distressed Properties

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The proposed ordinance amends the Code to include additional language related to the requirements of an individual or entity that obtain title to real property of a single-family dwelling unit through a foreclosure action or other instrument of debt, or through deed in-lieu of foreclosure. More specifically, the new language would require such individual or entity to register the property with the County within a specified amount of time.

The intent of the proposed ordinance is ensure that properties recently obtained through the aforementioned means are also included in the County's existing registry, which was created to track residential properties that are in a status more likely to be at risk of becoming vacant, overgrown, dilapidated or in poor repair. The cost of registering, in addition to any enforcement action resulting from the failure to maintain a residential property in compliance with the County's Code, will be borne by the individual or entity that obtained such a property.

  
\_\_\_\_\_  
Jack Osterholt  
Deputy Mayor

170324



# MEMORANDUM

(Revised)

**TO:** Honorable Chairman Esteban L. Bovo, Jr.  
and Members, Board of County Commissioners

**DATE:** February 22, 2017

**FROM:** Abigail Price-Williams  
County Attorney

**SUBJECT:** Agenda Item No. 4(A)

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
- Statement of social equity 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. 4(A)

Veto \_\_\_\_\_

2-22-17

Override \_\_\_\_\_

ORDINANCE NO. \_\_\_\_\_

ORDINANCE RELATING TO REGISTRATION AND MAINTENANCE OF DISTRESSED PROPERTIES; AMENDING SECTION 17A-19 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; REQUIRING REGISTRATION OF CERTAIN PROPERTIES CONVEYED THROUGH FORECLOSURE OR THROUGH DEED IN-LIEU-OF FORECLOSURE; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

**WHEREAS**, this Board is committed to ensuring the health, safety and welfare, as well as enhancing the quality of life of Miami-Dade County's residents; and

**WHEREAS**, in furtherance of these goals, this Board is committed to maintaining and enhancing the aesthetics and beauty of the residential districts within unincorporated Miami-Dade County; and

**WHEREAS**, in Ordinance No. 08-134 this Board amended section 19-4 of the Code and made the holder and/or owner of any mortgage upon real property responsible for maintenance of the real property upon the filing of a lis pendens or foreclosure action and made them responsible until the property is sold or transferred to a new owner, or until the foreclosure action is dismissed, and this Board made clear in the same Ordinance that the maintenance responsibility for the mortgage holder is in addition to the previously existing responsibilities of owners, lessees and tenants of the real property; and

**WHEREAS**, in Ordinance No. 08-134 this Board created, amongst other things, section 17A-19 of the Code, and required the holder or owner of a mortgage or other debt instrument to register their single family dwelling units with the Office of Neighborhood Compliance upon the filing of a lis pendens or an action to foreclose upon the mortgage or other instrument of debt secured by the property; and

**WHEREAS**, this Board set the fee at \$125 for such registration; and

**WHEREAS**, this Board recognizes that when residential properties are sold or transferred to a new owner through foreclosure actions or in transactions known as “deed in-lieu-of foreclosure,” the properties frequently remain or become in violation of County Code provisions because of lacking or delayed maintenance of those properties; and

**WHEREAS**, more oversight of these distressed properties is needed; and

**WHEREAS**, an amendment to Miami-Dade County section 17A-19 is needed, to require that persons or entities taking ownership of single family dwellings through a foreclosure action or through deed in-lieu-of foreclosure shall register the properties with the Office of Neighborhood Compliance, and shall further provide the contact information for the managing agent for these properties on forms designated by the department, and shall pay the designated registration fee,

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

**Section 1.** Section 17A-19 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:<sup>1</sup>

**Sec. 17A-19. Registration of single-family dwelling units subject to foreclosure.**

>>(a)<< Upon the filing of a lis pendens or an action to foreclose upon a mortgage or other instrument of debt which debt is secured by the real property of a single-family dwelling unit, whether a house, townhouse, condominium or duplex, the holder or owner of said mortgage or other debt instrument, or the party bringing the foreclosure action, shall immediately register the single-family

<sup>1</sup> 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.

dwelling unit with the Office of Neighborhood Compliance. The registration shall be upon forms as are designated by the Director of the Department and shall be accompanied by the approved registration fee as established in the Department's duly enacted fee schedule.

- >>(b) Upon obtaining title to real property of a single-family dwelling unit, whether a house, townhouse, condominium or duplex, pursuant to or resulting from an action to foreclose upon a mortgage or other instrument of debt which debt was secured by the real property, or through deed in-lieu-of foreclosure, the person, firm, trust, partnership, joint venture, corporation or other legal entity, who individually or jointly or severally with others, taking ownership of the property post-foreclosure or through deed in-lieu-of foreclosure shall, within ten (10) business days of taking ownership, register the property with the Office of Neighborhood Compliance and shall specifically delineate the contact information for the managing agent for the property, if applicable. The listing of a managing agent shall not relieve the property owner from responsibility of complying with any provision of the Code. The registration shall be on forms designated by the Director of the Department and shall be accompanied by the approved registration fee as established in the Department's duly enacted fee schedule.<<

**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:

APW  
DS

Prepared by:

David Sherman

Prime Sponsor: Senator Javier D. Souto