

MEMORANDUM

Agenda Item No. 7(C)

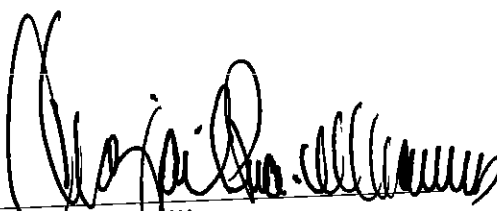
TO: Honorable Chairwoman Audrey M. Edmonson
and Members, Board of County Commissioners

DATE: (Second Reading 11-19-19)
September 4, 2019

FROM: Abigail Price-Williams
County Attorney

SUBJECT: Ordinance relating to registration and maintenance of distressed properties; amending sections 17A-18, 17A-19, and 17A-20 of the Code; extending application of registration requirement to non-residential properties in the unincorporated area with certain exceptions; requiring renewals of registration for all required properties until a specified time; requiring certain information on registration forms; amending section 8CC-10; making conforming and technical changes; providing for delayed implementation

The accompanying ordinance was prepared and placed on the agenda at the request of Co-Prime Sponsors Chairwoman Audrey M. Edmonson, Senator Javier D. Souto and Commissioner Jean Monestime and Co-Sponsor Commissioner Sally A. Heyman.


Abigail Price-Williams
County Attorney

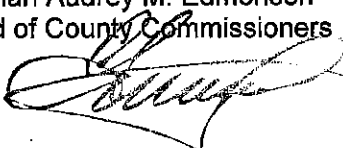
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Memorandum



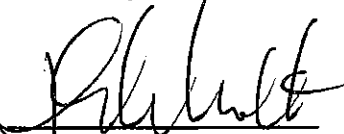
Date: November 19, 2019

To: Honorable Chairwoman Audrey M. Edmonson
and Members, Board of County Commissioners

From: Carlos A. Gimenez 
Mayor

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

The implementation of this ordinance will not have a fiscal impact to Miami-Dade County. The annual registration fee would offset any additional operating costs.

A handwritten signature in black ink, appearing to read "Jack Osterholt". The signature is written in a cursive style with a horizontal line underneath it.

Jack Osterholt
Deputy Mayor

Fis00220 191939

Memorandum



Date: November 19, 2019

To: Honorable Chairwoman Audrey M. Edmonson
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

A handwritten signature in black ink, appearing to be "Carlos A. Gimenez", written over the subject line.

The proposed ordinance relating to registration and maintenance of distressed properties amends Sections 17A-18, 17A-19 and 17A-20 of the Code of Miami-Dade County (Code) extending the application of the registration requirement to non-residential properties in all zoning districts, with the exception of properties with bona fide agricultural uses in agricultural districts, in the unincorporated areas of Miami-Dade County with certain exceptions.

The proposed ordinance will have a positive social equity impact as it aims to maintain and enhance the aesthetics and beauty of properties and to prevent conditions that can jeopardize the public health and safety.

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

Jack Osterholt
Deputy Mayor

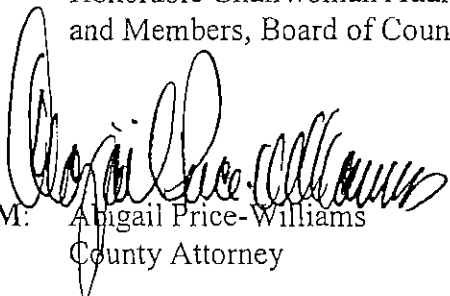
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MEMORANDUM
(Revised)

TO: Honorable Chairwoman Audrey M. Edmonson
and Members, Board of County Commissioners

DATE: November 19, 2019

FROM: 
Abigail Price-Williams
County Attorney

SUBJECT: Agenda Item No. 7(C)

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 present ____, 2/3 membership ____, 3/5's ____, unanimous ____, CDMP 7 vote requirement per 2-116.1(3)(h) or (4)(c) ____, CDMP 2/3 vote requirement per 2-116.1(3)(h) or (4)(c) ____, or CDMP 9 vote requirement per 2-116.1(4)(c)(2) ____) 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(C)
11-19-19

ORDINANCE NO. _____

ORDINANCE RELATING TO REGISTRATION AND MAINTENANCE OF DISTRESSED PROPERTIES; AMENDING SECTIONS 17A-18, 17A-19, AND 17A-20 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; EXTENDING APPLICATION OF REGISTRATION REQUIREMENT TO NON-RESIDENTIAL PROPERTIES IN THE UNINCORPORATED AREA WITH CERTAIN EXCEPTIONS; REQUIRING RENEWALS OF REGISTRATION FOR ALL REQUIRED PROPERTIES UNTIL A SPECIFIED TIME; REQUIRING CERTAIN INFORMATION ON REGISTRATION FORMS; AMENDING SECTION 8CC-10; MAKING CONFORMING AND TECHNICAL CHANGES; PROVIDING FOR DELAYED IMPLEMENTATION; 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 properties 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 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

WHEREAS, this Board made clear in this ordinance that the maintenance responsibility for the mortgage holder supplements the previously existing responsibilities of owners, lessees and tenants of the real property; and

WHEREAS, the legal responsibility set forth in section 19-4, as amended in Ordinance No. 08-134, continues until the property is sold or transferred to a new owner, or until the foreclosure action is dismissed; and

WHEREAS, in Ordinance No. 08-134, this Board also created section 17A-19, and required the holder or owner of a mortgage or other debt instrument to register the single family dwelling units, whether a house, townhouse, condominium or duplex, 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, the registration requirement, as set forth in section 17A-19, requires the County to inspect and allows the County to remediate, or cause the remediation of, residences that have become vacant, overgrown, dilapidated or in poor repair, in order to prevent blight or unsightly conditions where the property is the subject of a foreclosure action; and

WHEREAS, although more than ten years have passed since the financial crisis began, it has become apparent that the registration requirement should extend beyond single family dwelling units to other types of properties in financial distress, in order to avoid diminished maintenance at the properties, and to prevent conditions that foster the breeding of vermin, mosquitoes, and other species that can jeopardize health and safety; and

WHEREAS, the same property maintenance concerns applicable to distressed properties in residential districts are applicable to distressed properties in commercial districts, office districts, industrial districts and others; and

WHEREAS, an amendment to section 17A-19 is needed to require that, except for properties with bona fide agricultural uses in agricultural districts, properties in all zoning districts in unincorporated areas are required to be registered 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,

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

Section 1. Section 17A-18 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:¹

Sec. 17A-18. - Purpose and intent>> Applicability<<.

It is the intent of the Board of County Commissioners, through the enactment >>and amendment<< of sections 17A-18 to 17A-20 to provide a registry of >>all properties<< ~~[[single-family residential dwelling units, including condominium, duplexes and townhome units, where the individual unit is]]~~ >>that are<< the subject of a ~~[[Foreclose Action]]~~>>foreclosure action, except for properties with bona fide agricultural uses in agricultural districts <<. Through this registry, ~~[[residences]]~~ >>properties<< that are at risk of or have become vacant, ~~[[overgrown,]]~~ dilapidated or in poor repair>>, or have overgrown grass, shrubs, or foliage, or other visible maintenance failures, << can be tracked >>to facilitate enforcement and remedial actions. Such actions can<< ~~[[and remediated to]]~~ prevent blight or unsightly conditions>> and avoid or minimize the deleterious effects on neighboring properties and property values, and prevent conditions that foster the breeding of vermin, mosquitoes, and other species that can jeopardize public health and safety<<. ~~[[The definitions contained in section 17A-5 shall apply throughout this section.]]~~ >>Sections 17A-18 to 17A-20 shall apply in unincorporated areas.<<

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.

Section 2. Section 17A-19 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:

Sec. 17A-19. - Registration of ~~[[single-family dwelling units]]~~ >>residential and non-residential properties<< subject to foreclosure >>in all zoning districts in unincorporated areas, excluding properties with bona fide agricultural uses and zoned as AU districts <<.

>>(a) Within ten days from the date of<< [[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 >>whether residential or non-residential, in any zoning district, except for properties with bona fide agricultural uses in agricultural districts<<[[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 >>said property<< [[the single-family dwelling unit]] with the Office of Neighborhood Compliance>>or other department or division designated by the Mayor or Mayor's designee<<.

>>(b) After the initial registration, renewal registration shall be made once every 12 months thereafter until final judgment and a certificate of title is issued in the foreclosure action, or until the foreclosure action and related lis pendens have been dismissed. <<

>>(c)<< The registration >>and any renewal registrations<< shall be >>made<< upon forms [[as are]] designated by the Director of the Department and shall be accompanied by >>payment of<< the approved registration fee as established in the Department's duly enacted fee schedule.

>>(d) The registration shall contain, at a minimum, the name and contact information of the mortgage holder, and where applicable, the registration shall specifically delineate the contact information for the managing agent for the property, including but not limited to name, place of employment, telephone number, address, and email address. The listing of a managing agent shall not relieve mortgage holders, owners, lessees and tenants from the responsibility to comply with any provision of the Code.<<

Section 3. Section 17A-20 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:

Sec. 17A-20. - Registration inspection and enforcement procedure.

Upon registration >>and renewal registration<< of any >>property<< [[dwelling-unit]] as set forth in section 17A-19, the >>the Office of Neighborhood Compliance or other department or division designated by the Mayor or Mayor's designee<< [[Minimum Housing Enforcement Officer or his or her assistant]] shall conduct an inspection of the registered real property to determine its compliance with the provisions of this Chapter 17A and/or the provisions of Chapter 19 of the County Code.

Section 4. Section 8CC-10 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:

Sec. 8CC-10. Schedule of civil penalties.

The following table shows the sections of this Code, as they may be amended from time to time, which may be enforced pursuant to the provisions of this chapter; and the dollar amount of civil penalty for the violation of these sections as they may be amended.

The "descriptions of violations" below are for informational purposes only and are not meant to limit or define the nature of the violations or the subject matter of the listed Code sections, except to the extent that different types of violations of the same Code section may carry different civil penalties. For each Code section listed in the schedule of civil penalties, the entirety of that section may be enforced by the mechanism provided in this Chapter 8CC, regardless of whether all activities proscribed or required within that particular section are described in the "Description of Violation" column. To determine the exact nature of any activity proscribed or required by this Code, the relevant Code section must be examined.

Code Section	Description of Violation	Civil Penalty
	* * *	
17A-16(12)	Window, door or other exterior opening not properly secured to prevent human entry	500.00
17A-19	Failure to >>timely or properly<< register [[vacant]] property subject to foreclosure	500.00

All other Chapter 17A violations	200.00
* * *	

Section 5. The provisions of sections 1, 2, 3 and 4 of this ordinance shall not be implemented until 90 days from the effective date of this ordinance.

Section 6. 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 7. 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 8. 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
AS

Prepared by:

David Sherman

- Co-Prime Sponsors: Chairwoman Audrey M. Edmonson
- Senator Javier D. Souto
- Commissioner Jean Monestime
- Co-Sponsor: Commissioner Sally A. Heyman