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CLERK OF THE BOARD
OF COUNTY COMMISSIONERS
MIAMI-DADE COUNTY, FLORIDA

MEMORANDUM

Agenda Item No. 11(A)(11)

TO: Honorable Chairman Bruno A. Barreiro and Members, Board of County Commissioners

DATE: January 10, 2008

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

SUBJECT: Resolution Urging the Florida Legislature to Enact Appropriate Legislation to Prevent Eviction of Mobile Home Park Tenants

R-53-08

The accompanying resolution was prepared and placed on the agenda at the request of Commissioner Rebeca Sosa and Commissioner Katy Sorenson.

R. A. Cuevas, Jr.
County Attorney

RAC/dcp

MEMORANDUM

(Revised)

TO: Honorable Chairman Bruno A. Barreiro and Members, Board of County Commissioners

DATE: January 10, 2008

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

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

Please note any items checked.

_____ "4-Day Rule" ("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

_____ Bid waiver requiring County Manager's written recommendation

_____ Ordinance creating a new board requires detailed County Manager's report for public hearing

_____ Housekeeping item (no policy decision required)

_____ No committee review

Approved _____ Mayor
Veto _____
Override _____

Agenda Item No. 11(A)(11)
01-10-08

RESOLUTION NO. **R-53-08**

RESOLUTION URGING THE LEGISLATURE TO ENACT APPROPRIATE LEGISLATION TO PREVENT EVICTION OF MOBILE HOME PARK TENANTS DUE TO A CHANGE IN USE OF LAND DURING THE PENDENCY OF A MORATORIUM IMPOSED BY LOCAL GOVERNMENT

WHEREAS, mobile home parks represent an important source of housing affordable to many Miami-Dade County residents of limited means; and

WHEREAS, the Florida Legislature has recognized that mobile home parks are particularly vulnerable to loss through redevelopment; and

WHEREAS, the Legislature has adopted section 723.083, Florida Statutes, which provides that "[n]o agency of government shall approve any application for rezoning, or take any other official action, which would result in the removal or relocation of mobile home owners residing in a mobile home park without first determining that adequate mobile home parks or other suitable facilities exist for the relocation of the mobile home owners"; and

WHEREAS, the Board of County Commissioners, pursuant to section 33-319, Code of Miami-Dade County, has established a temporary moratorium on the issuance of building permits for properties in the unincorporated area of Miami-Dade County being utilized as mobile home parks, the purpose of which is to afford the County Manager an opportunity to study and make a recommendation as to the appropriate zoning district for existing mobile home park properties in the unincorporated area of Miami-Dade County, considering the surrounding development, the availability of public facilities and resources, and the availability of alternative mobile home parks or affordable housing for the residents in the event of redevelopment of the mobile home park property; and

WHEREAS, under current Florida law, the establishment of a temporary building moratorium by local government does not prevent the eviction of mobile home park tenants due to a proposed change of land use; and

WHEREAS, this Board believes it is essential to the protection of the health, safety, and welfare, of mobile home park tenants to prevent their eviction from their residences during the pendency of the moratorium established by this Board,

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

Section 1. Urges the Florida Legislature to enact appropriate legislation to bar the eviction of mobile home park tenants due to a proposed change in land use during the pendency of a temporary moratorium established by local government.

Section 2. Directs the Clerk of the Board to transmit a certified copy of this resolution to the Governor, Senate President, House Speaker, and the Chair and Members of the Miami-Dade County State Legislative Delegation.

Section 3. Directs the County's state lobbyists to advocate for the passage of the legislation and the implementation of the reforms set forth in Section 1 above, and directs the Office of Intergovernmental Affairs to include this item in the 2008 State Legislative Package.

The foregoing resolution was sponsored by Commissioner Rebeca Sosa and Commissioner Katy Sorenson and offered by Commissioner Rebeca Sosa, who moved its adoption. The motion was seconded by Commissioner Carlos A. Gimenez and upon being put to a vote, the vote was as follows:

Bruno A. Barreiro, Chairman aye
Barbara Jordan, Vice-Chairwoman aye

Joe A. Martinez aye
Audrey Edmonson aye
Sally A. Heyman aye
Dorrin D. Rolle aye
Katy Sorenson aye
Sen. Javier D. Souto aye

Jose "Pepe" Diaz aye
Carlos J. Gimenez aye
Dennis C. Moss aye
Natacha Seijas aye
Rebeca Sosa aye

The Chairperson thereupon declared the resolution duly passed and adopted this 10th day of January, 2008. 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: **Kay Sullivan**
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency. JM

John McInnis