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OF COUNTY COMMISSIONERS
MIAMI-DADE COUNTY, FLORIDA

MEMORANDUM Agenda Item No. 11(A)(2)

TO: Honorable Chairman Joe A. Martinez and Members, Board of County Commissioners

DATE: May 3, 2011

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

SUBJECT: Substitute Implementing Order to be attached to Resolution amending Department Rules & Regulations to create Bridge Accounts for tenant groups of Multi-Unit Rental Dwellings that meet certain conditions

Resolution No. R-357-11

The substitute differs from the original item in that: (1) a provision has been added to Rule 2.02, Paragraph 8(a)(1)(ii) of the Implementing Order, requiring the Miami-Dade Water and Sewer Department to provide a notice to all units in the multi-unit dwelling, after a Tenant Bridge Account has been established, which sets forth the Bridge Account Number and a phone number for the Miami-Dade Water and Sewer Department; (2) a clarification has been made to the billing cycle information in Rule 2.02, Paragraph 8(a)(2) of the Implementing Order, giving the Bridge Account holder 20 days instead of 15 days to pay the bill (consistent with other account holders); and (3) a change has been made to Rule 2.02, Paragraph 8(a)(iv) in order to clarify a tenant bridge account will not be denied if the only reason the property has been deemed uninhabitable by the Department of Health is for lack of water service to the property.

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

R. A. Cuevas, Jr.
County Attorney

RAC/cp

MEMORANDUM

(Revised)

TO: Honorable Chairman Joe A. Martinez and Members, Board of County Commissioners

DATE: May 3, 2011

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

SUBJECT: Agenda Item No. 11(A)(2)

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 Manager'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. 11(A)(2)
5-3-11

RESOLUTION NO. R-357-11

RESOLUTION RELATING TO THE MIAMI-DADE WATER AND SEWER DEPARTMENT; AMENDING DEPARTMENT RULES & REGULATIONS TO CREATE BRIDGE ACCOUNTS FOR TENANT GROUPS OF MULTI-UNIT RENTAL DWELLINGS THAT MEET CERTAIN CONDITIONS

WHEREAS, this Board desires to accomplish the purposes outlined in the accompanying memorandum, a copy of which is incorporated herein by reference,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that the Miami-Dade County Water and Sewer Department will amend its Rules and Regulations to implement the changes set forth in the Implementing Order attached hereto.

The Prime Sponsor of the foregoing resolution is Vice Chairwoman Audrey M. Edmonson and the Co-Sponsor is Commissioner Rebeca Sosa. It was offered by Commissioner **Audrey Edmonson**, who moved its adoption. The motion was seconded by Commissioner **Rebeca Sosa** and upon being put to a vote, the vote was as follows:

Joe A. Martinez, Chairman			aye
Audrey M. Edmonson, Vice Chairwoman			aye
Bruno A. Barreiro	aye	Lynda Bell	aye
Jose "Pepe" Diaz	absent	Sally A. Heyman	aye
Barbara J. Jordan	aye	Jean Monestime	absent
Dennis C. Moss	aye	Rebeca Sosa	aye
Sen. Javier D. Souto	aye		

The Chairperson thereupon declared the resolution duly passed and adopted this 3rd day of May, 2011. 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

DIANE COLLINS

By:_____
Deputy Clerk

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

Sara E. Davis

MIAMI-DADE COUNTY
IMPLEMENTING ORDER

Implementing Order No.: _____
Title: WASD Bridge Account Program
Ordered: _____ Effective: _____

AUTHORITY
Miami-Dade County Ordinance 10-88

POLICY
This Implementing Order amends the Miami-Dade Water & Sewer Department's ("WASD") Rules and Regulations to include a program that would allow WASD to establish bridge accounts for no more than six months for tenant groups in multi-unit rental dwellings. The bridge account program would be applicable to tenant groups where the tenants pay for water and sewer service through their rent but the owner of the multi-unit dwelling and/or the landlord has failed to pay the water and sewer bill and service to the building has been or will be terminated by WASD due to non-payment. In order to qualify for the bridge account program, the tenant group must designate a Tenant Representative to serve as a contact person with WASD and must pre-pay a deposit of 2.5 times the building's average water and sewer bill for the six month period preceding termination of service and must timely pay all future bills.

PROCEDURE
The Rules and Regulations for WASD will be amended to include the following:

MDWASD Rule 1.04 - Definitions

"Multi-Unit Dwelling"- A building containing three or more dwelling units occupied by three or more tenants, but excluding nursing homes, hotels and motels.

MDWASD Rule 2.02

(8) When multiple units are served through the same meter, the water service account must be in the name of the property owner who must accept full responsibility for the payment for all service rendered, since no method is available to the Department for prorating charges for service among the occupants of the units. In the event the property owner for a Multi-Unit Dwelling becomes delinquent (see Section 2.07(7)), the Department will follow the procedures set forth in Section 2.12. In addition, if the Department terminates service pursuant to the process set forth in Section 2.12, the property owner/landlord of the Multi-Unit Dwelling cannot prevent the tenants from opening a Bridge Account for water and/or sewer service directly with the Department in the manner set forth in Rule 2.02(8)(a).

(a) Where the units served by the same meter are rental units and the rent paid by the tenants includes a charge for water and/or sewer service, and where the landlord

or property owner has failed to pay the Department for water and/or sewer service and the Department has terminated water service to the property and closed the landlord/property owner's water/sewer account, the tenants of such Multi-Unit Dwelling may establish a bridge account ("Bridge Account") with the Department for a period of not longer than six (6) months in order to allow the tenants to pursue applicable legal remedies, which might include obtaining an injunction pursuant to Florida Statute § 83.67. Nothing in this rule eliminates the tenants' responsibilities under the law to pay their rent during the period the bridge account is in effect.

(1) The Bridge Account will be available to the tenants as a group in lieu of the landlord/property owner **only** if the following conditions are met:

(i) Before the Bridge Account can be opened and the water service restored to the Multi-Unit Dwelling, the tenants must pay in full 2.5 times the average monthly bill for the entire Multi-Unit Dwelling based on taking an average from the water and sewer bills for the six (6) prior months of service for the building. The payment of 2.5 times the average monthly bill is comprised of the following: a 30-day prepayment for services and a deposit in the amount of 1.5 times the average monthly bill, which will cover any excess water service utilized by the tenants beyond the average monthly bill; and

(ii) Before the Bridge Account can be opened and the water service restored to the Multi-Unit Dwelling, the tenants must provide the name and contact information for a tenant representative ("Tenant Representative"), who will serve as the contact person with the Department on behalf of the tenants and who will receive all correspondence, notices and bills for the Bridge Account. >>After the Bridge Account has been established, the Department will mail a notice to each unit in the Multi-Unit Dwelling, which notice provides the Account Number for the Bridge Account and a phone number for the Department that can be used by the tenants to check the total amount due on the Bridge Account each month.<<[1]

(2) After the conditions in Rule 2.02(8)(a)(1)(i) and (ii) above have been met and the Bridge Account has been established, the Department will read the meter after 15 days and will send the Tenant Representative a bill for the [[~~next 30 days of water service~~]] >>first 15 days of service<<. Like other accounts, once received, this bill must be paid in full within [[~~15~~]]>>20<< days after receipt of the bill if water service is to continue to be provided to the Multi-Unit Dwelling. >>Thereafter, the Department will read the meter every 30 days and provide a bill to the Tenant Representative, which will need to be paid in full within 20 days from receipt of the bill if

[1] The differences between the substitute and the original item are indicated as follows: words stricken through and/or [[double bracketed]] shall be deleted, words underscored and/or >>double arrowed<< constitute the amendment proposed.

water service is to continue to be provided to the Multi-Unit Dwelling.<< No extensions will be given; no payment plans will be allowed; and no partial payments will be accepted. Failure to pay the entire balance will result in the termination of the Bridge Account subject to the following:

(i) If the tenants fail to make full payment by the due date, the Department will apply the deposit to cover the actual amount of service used for the 30-day period that just passed (if the amount used exceeded the average monthly bill amount) and will then leave the water service running at the Multi-Unit Dwelling until the remaining balance on the deposit has been expended.

(ii) Once the deposit has been expended in full, the Bridge Account will be closed without further notice, even if six (6) months has not elapsed.

(iii) Once the deposit has been used up and the Bridge Account has been closed, it cannot be reopened for any reason.

(3) Because the Bridge Account is only available to the tenants for a period not to exceed six (6) months, the Department will use whatever remains of the deposit for the last month of service for which the tenants are eligible. If the additional monies remain from the deposit amount after payment for the last month of service, the water service will remain on at the Multi-Unit Dwelling until such amount has been fully expended, which may mean that service to the building will exceed six months. Once the deposit has been expended, the Department will close the Bridge Account.

(4) No Bridge Account will be available to the tenants of a Multi-Unit Dwelling if the Department of Health has declared the Multi-Unit Dwelling unsafe or uninhabitable, >>unless such designation by the Department of Health is based solely on the fact that the building has no water service<<. Further, no Bridge Account will be available to the tenants if the Building Official has exercised his emergency authority to order the occupants of the Multi-Unit Dwelling to vacate the premises due to a health or structural hazard pursuant to MDC Code Section 8-5(f).

This Implementing Order is hereby submitted to the Board of County Commissioners of Miami-Dade County, Florida.

County Manager

Approved by the County Attorney as
to form and legal sufficiency _____