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

MEMORANDUM

Agenda Item No. 11(A)(2)

TO: Honorable Chairwoman Rebeca Sosa
and Members, Board of County Commissioners

DATE: June 4, 2013

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

SUBJECT: Resolution creating task force to recommend local solutions to help mitigate and avoid squatting within private properties

Resolution No. R-451-13

The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor Vice Chair Lynda Bell.

RAC

R. A. Cuevas, Jr.
County Attorney

RAC/lmp

MEMORANDUM
(Revised)

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and Members, Board of County Commissioners

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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. 11(A)(2)
6-4-13

RESOLUTION NO. R-451-13

RESOLUTION CREATING TASK FORCE TO RECOMMEND LOCAL SOLUTIONS TO HELP MITIGATE AND AVOID SQUATTING WITHIN PRIVATE PROPERTIES

WHEREAS, news reports indicate that increased foreclosures in recent years have led to increased incidents of squatters occupying homes to which they do not have a valid lease or title; and

WHEREAS, these squatters have broken into these homes, moved in and changed the locks to deny the legitimate owners entry to and use of their own properties; and

WHEREAS, legitimate owners may be forced into costly court battles to evict squatters where squatters present some document, such as a forged or fraudulent lease, which appears to show the squatter's right to occupy the property; and

WHEREAS, news reports have indicated that squatters sometimes occupy a property for the purpose of demanding money from the owner before agreeing to leave in a "cash for keys" arrangement, particularly if the property was foreclosed and held by a large financial institution; and

WHEREAS, squatters who fraudulently occupy homes may be engaged in other criminal activities as well, creating a burden on the surrounding neighborhood and potentially placing the neighborhood in danger; and

WHEREAS, in some cases squatters allege they themselves are the victims of fraud perpetrated by others who wrongfully led them to believe they had a legitimate lease or right to occupy a property; and

WHEREAS, there have been news reports of illegal squatters in Florida attempting to obtain property rights through adverse possession, a real property statute under which an occupant without color of title may attempt to claim a property by meeting numerous requirements including actual continued occupation for seven years; and

WHEREAS, potential reforms to Florida adverse possession law were recently introduced in the 2013 legislative session, with House Bill 903 and Senate Bill 1166 proposing the requirements that an adverse possessor pay all mortgages and liens on the property and control the property through maintenance or improvement of the exterior of any structure or the land while forbidden from entering any structure on the property until the end of the adverse possession period; and

WHEREAS, there have been recent reports of squatting in Miami-Dade County in foreclosed and other properties, including a reported incident of alleged squatters living rent-free in a million-dollar home in Coral Gables; and

WHEREAS, illegal squatting introduces onerous social and economic costs, draining the time and resources of legitimate property owners, financial institutions, judiciary, police, and other community stakeholders; and

WHEREAS, this Board would benefit from a report that addresses potential local solutions to help mitigate and avoid squatting within private properties,

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

Section 1. There is hereby established a task force to recommend local solutions to help mitigate and avoid squatting within private properties.

Section 2. The task force shall comprise eight to nine members, as follows: Two (2) representatives of the Miami-Dade Police Department designated by the Director of the Miami-Dade Police Department; The Director of the Miami-Dade Homeless Trust or the Director's designee; and five (5) representatives designated by the County Mayor or County Mayor's designee consisting of two (2) community representatives, two (2) business representatives from the banking industry, and one (1) neighborhood crime watch representative. In addition, the Miami-Dade Property Appraiser is invited to serve or to appoint a designee to serve on the task force.

Section 3. The County Mayor or County Mayor's designee is hereby directed to provide staff support to the task force.

Section 4. The task force, at its first meeting, shall elect one member to serve as chair and one member to serve as vice chair.

Section 5. The task force shall at all times operate under the Florida Open Government laws, including the "Sunshine Law," public meeting laws and public records laws and shall be governed by all State and County conflict of interest laws, as applicable, including the Miami-Dade County Conflict of Interest and Code of Ethics Ordinance, Section 2-11.1 the Code of Miami-Dade County.

Section 6. Within 180 days of the date of the adoption of this resolution, the task force shall make recommendations to the Board of County Commissioners on potential local solutions to help mitigate and avoid squatting within private properties. This task force will officially cease to exist on the 360th day following the effective date of this resolution.

The Prime Sponsor of the foregoing resolution is Vice Chair Lynda Bell. It was offered by Commissioner **Sally A. Heyman**, who moved its adoption. The motion was seconded by Commissioner **Esteban L. Bovo, Jr.** and upon being put to a vote, the vote was as follows:

Rebeca Sosa, Chairwoman	**aye**		
Lynda Bell, Vice Chair	**absent**		
Bruno A. Barreiro	**absent**	Esteban L. Bovo, Jr.	**aye**
Jose "Pepe" Diaz	**absent**	Audrey M. Edmonson	**aye**
Sally A. Heyman	**aye**	Barbara J. Jordan	**aye**
Jean Monestime	**aye**	Dennis C. Moss	**absent**
Sen. Javier D. Souto	**aye**	Xavier L. Suarez	**absent**
Juan C. Zapata	**absent**		

The Chairperson thereupon declared the resolution duly passed and adopted this 4th day of June, 2013. 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: **Christopher Agrippa**
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.

Estephanie Resnik