CARLOS A. GIMENEZ
MAYOR
MIAMI-DADE COUNTY

January 29, 2015

The Honorable Oliver G. Gilbert III
Mayor
City of Miami Gardens
18605 NW 27 Avenue
Miami Gardens, FL 33056

Re: Waiver of Municipal Liens Pursuant to Resolution No. R-1004-14

Dear Mayor Gilbert:

On November 5, 2014, the Miami-Dade Board of County Commissioners ("Board") adopted Resolution No. R-1004-14, a copy of which is enclosed. The resolution urges municipalities, including the City of Miami, City of North Miami, City of Opa-Locka, City of Homestead, City of Florida City and City of Miami Gardens, to waive and/or release and satisfy their municipal liens, which have been recorded in the public record against properties. These properties are owned by Miami-Dade County ("County") and are designated by the Board as appropriate for inclusion in the Miami-Dade County's Infill Housing Initiative Program ("Infill Program"). The Infill Program was established pursuant to Ordinance No-0147 and is administered by the County's Public Housing and Community Development Department. Resolution No. R-1004-14 also directs the County Mayor or his designee to negotiate interlocal cooperation agreements with each of the before-mentioned municipalities, ensuring the timely waiver and/or release and satisfaction of municipal liens recorded in the public record against such Infill properties.

The purpose of the Infill Program is: (1) to increase the availability of affordable homes for low- and moderate-income persons ("Qualified Households"); (2) maintain a stock of affordable housing; (3) redevelop urban neighborhoods by eliminating the blight of vacant lots and dilapidated or abandoned properties; (4) equitably distribute homeownership opportunities within certain infill target areas as defined in the Miami-Dade County Florida Code of Ordinances (Code), Section 17-122j; and (5) generate payment of ad valorem taxes. Through the Infill Program, developers build single family homes to be sold to qualified households. The Infill Program further encourages the redevelopment of vacant, dilapidated or abandoned property through the sale or transfer of County property to qualified developers, and the inclusion of privately owned vacant, dilapidated or abandoned properties. These Infill properties often have both County and municipal liens and citations that encumber the properties which must be addressed prior to the sale of a home to a Qualified Household.

Pursuant to Section 17-26 of the County Code, the Mayor is authorized to release or satisfy any County lien and/or citation placed on publicly or privately-owned property if the property has been approved by the Mayor for the Infill Program and the private owner records a declaration of restrictive covenants in the public records in a form approved by the County. Such County liens include, but are not limited to, civil restitution liens, code enforcement liens, demolition liens, hospital liens, judgment liens, lot clearing liens, minimum housing standard liens, mortgage liens, nuisance abatement liens, public defender liens, storm water utility liens, waste liens, water and sewer liens and welfare liens.

However, there is no similar provision for the waiver and/or release and satisfaction of municipal liens recorded by municipalities, where some of our Infill Program properties are currently located. As a result of these liens, the County and our developers are either delayed or prevented from accomplishing the goals of the Infill Program, such as the construction of homes to serve some of the neediest populations in Miami-Dade County. Therefore, the Board adopted Resolution No. R-1004-14 to urge municipalities to waive and/or release and satisfy their liens.

If your municipality is interested in negotiating an interlocal cooperation agreement with the County, I ask that your representative respond to Mr. Michael Liu, Director, Public Housing and Community Development before ***February 20, 2015*** at (786) 469-4106 or mliu88@miamidade.gov.

Additionally, the department's Infill Housing Program will schedule a meeting to further discuss this matter. If you have any questions, please contact Mr. Alan Eson, Real Estate Officer with the Infill Housing Program, at (786) 469-4226 or via email aeson@miamidade.gov.

Thank you in advance for your cooperation.

Sincerely,

Carlos A. Gimenez
Mayor

Enclosure

c. Cameron D. Benson, City Manager, City of Miami Gardens
Russell Benford, Deputy Mayor, Office of the Mayor
Terrence A. Smith, Assistant County Attorney
Michael Liu, Director, Public Housing and Community Development Department
Alan Eson, Real Estate Officer, Infill Housing Program
Public Housing and Community Development Department

OFFICIAL FILE COPY
CLERK OF THE BOARD
OF COUNTY COMMISSIONERS
MIAMI-DADE COUNTY, FLORIDA

MEMORANDUM

Agenda Item No. 11(A)(12)

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

DATE: November 5, 2014

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

SUBJECT: Resolution urging the Cities of Miami, North Miami, Opa-locka, Homestead, Florida City and Miami Gardens to waive and/or release and satisfy municipal liens recorded in the public record against properties in the Miami-Dade County Infill Housing Initiative Program
Resolution No. R-1004-14

The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Barbara J. Jordan and Co-Sponsor Vice Chair Lynda Bell.

R. A. Cuevas, Jr.
County Attorney

RAC/cp

MEMORANDUM
(Revised)

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

DATE: November 5, 2014

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

SUBJECT: Agenda Item No. 11(A)(12)

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)(12)
11-5-14

RESOLUTION NO. R-1004-14

RESOLUTION URGING THE CITIES OF MIAMI, NORTH MIAMI, OPA-LOCKA, HOMESTEAD, FLORIDA CITY AND MIAMI GARDENS TO WAIVE AND/OR RELEASE AND SATISFY MUNICIPAL LIENS RECORDED IN THE PUBLIC RECORD AGAINST PROPERTIES IN THE MIAMI-DADE COUNTY INFILL HOUSING INITIATIVE PROGRAM; AND DIRECTING THE COUNTY MAYOR OR THE COUNTY MAYOR'S DESIGNEE, SUBJECT TO THE APPROVAL OF THE BOARD OF COUNTY COMMISSIONERS, TO NEGOTIATE WITH SAID CITIES FOR INTERLOCAL COOPERATION AGREEMENTS TO ENSURE THE TIMELY WAIVER AND/OR RELEASE AND SATISFACTION OF MUNICIPAL LIENS RECORDED IN THE PUBLIC RECORD AGAINST SUCH PROPERTIES

WHEREAS, the Board of County Commissioners ("Board") created the Miami-Dade County Infill Housing Initiative Program ("Infill Program") pursuant to Ordinance No. 01-47, as amended and codified in Chapter 17, Article VII of the Code of Miami-Dade County ("Code"); and

WHEREAS, the purpose of the Infill Program is to increase the availability of affordable homes for low and moderate income persons ("Qualified Households"), maintaining a stock of affordable housing, redeveloping urban neighborhoods by eliminating the blight of vacant lots and dilapidated or abandoned properties, equitably distributing homeownership opportunities within certain infill target areas, as defined in the Code, and generating payment of ad valorem taxes; and

WHEREAS, the Infill Program further encourages the redevelopment of vacant, dilapidated or abandoned property through the sale or transfer of County property to qualified developers and the inclusion of privately owned vacant, dilapidated or abandoned properties; and

WHEREAS, through the Infill Program, developers build single family homes to be sold to Qualified Households; and

WHEREAS, oftentimes these properties have both County and municipal liens which encumber them and which must be resolved prior to the sale of a home to a Qualified Household; and

WHEREAS, pursuant to Section 17-26 of the Code, the County Mayor is authorized to release or satisfy any County lien that is placed on a publicly or privately owned property if the property has been approved by the County Mayor for the Infill Program and the private owner records in the public records a declaration of restrictive covenants in a form approved by the County; and

WHEREAS, such County liens include, but are not limited to, civil restitution liens; code enforcement liens; demolition liens; hospital liens; judgment liens; lot clearing liens; minimum housing standard liens; mortgage liens; nuisance abatement liens; public defender liens; stormwater utility liens; waste liens; water and sewer liens; and welfare liens; and

WHEREAS, there is no similar provision for the waiver and/or release and satisfaction of municipal liens recorded by the Cities of Miami, North Miami, Opa-locka, Homestead, Florida City, and Miami Gardens (collectively referred to as "the Cities") against properties in the Infill Program that are located within their city limits; and

WHEREAS, the Board finds that such municipal liens may frustrate the purpose of the Infill Program; and

WHEREAS, the Board's desires to take all actions that may be necessary to remove obstacles to the successful implementation of the Infill Program, including but not limited to, entering into interlocal cooperation agreements with the Cities to ensure that municipal liens are timely waived and/or released and satisfied to allow for the sale by developers of single family homes to Qualified Households,

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

Section 1. Incorporates and approves the foregoing recitals as if fully set forth herein.

Section 2. Urges the Cities of Miami, North Miami, Opa-locka, Homestead, Florida City, and Miami Gardens to waive and/or release and satisfy municipal liens recorded in the public record against properties in the Infill Program within their respective cities.

Section 3. Directs the County Mayor or the Mayor's designee to negotiate with the cities identified in section 2 above for interlocal cooperation agreements to ensure the timely waiver and/or release and satisfaction of municipal liens, and present all such agreements to the Board for committee review for its consideration within 60 days of the effective date of this resolution; provided, however, if the County Mayor or the Mayor's designee is unable to successfully negotiate the terms of any such agreements with such cities within the requisite time period, a report detailing the status of the negotiations shall be presented to this Board related to any agreements that are not successfully negotiated. The County Mayor or Mayor's designee shall provide the report to this Board within 60 days of the effective date of this resolution and shall place the completed report on an agenda of the Board pursuant to Ordinance No. 14-65.

Section 4. The Board directs the Clerk of the Board to transmit certified copies of this resolution to the City Mayors, City Managers, if applicable, and Code Enforcement Directors of each of the Cities.

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

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

The Chairperson thereupon declared the resolution duly passed and adopted this 5th day of November, 2014. 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.

Terrence A. Smith