

MEMORANDUM

Agenda Item No. 7(F)

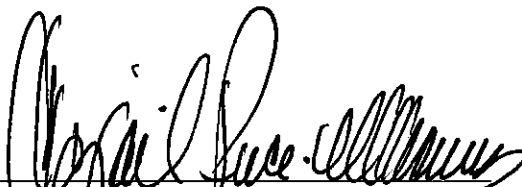
TO: Honorable Chairman Esteban L. Bovo, Jr.
and Members, Board of County Commissioners

DATE: (Second Reading 6-5-18)
April 10, 2018

FROM: Abigail Price-Williams
County Attorney

SUBJECT: Ordinance extending Amnesty
Period created by Ordinance No.
11-64, as subsequently amended,
for an additional year
commencing July 12, 2018;
providing for a limited exception
from civil penalties and liens for
building code violations upon a
homeowner's compliance with
the building code

The accompanying ordinance was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Rebeca Sosa.


Abigail Price-Williams
County Attorney

APW/lmp

Memorandum



Date: June 5, 2018

To: Honorable Chairman Esteban L. Bovo, Jr.
and Members, Board of County Commissioners

From: Carlos A. Gimenez
Mayor

A handwritten signature in black ink, appearing to read "Carlos A. Gimenez". The signature is written in a cursive style and is positioned over the "From:" field.

Subject: Fiscal Impact Statement for Ordinance Extending Amnesty Period Created by Ordinance No. 11-64 for an Additional Year

The proposed ordinance extends the Amnesty Period initially created by Ordinance No. 11-64 through July 12, 2019, which provides for a limited exception from civil penalties for building code violations upon a homeowner's compliance with the building code. By continuing to waive penalties and liens previously assessed by the County, a fiscal impact will continue to occur. The extent of the fiscal impact on the County as a result of the extension will depend on the number of property owners with outstanding violations that opt to correct the violations in accordance with Ordinance No. 11-64, as amended. The ultimate fiscal impact for the extension cannot be estimated at this time.

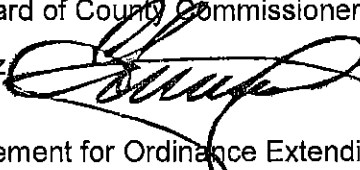
A handwritten signature in black ink, appearing to read "Jack Osterholt". The signature is written in a cursive style and is positioned above the name "Jack Osterholt".

Jack Osterholt
Deputy Mayor

FIs05518 180572

Date: June 5, 2018

To: Honorable Chairman Esteban L. Bovo, Jr.
and Members, Board of County Commissioners

From: Carlos A. Gimenez 
Mayor

Subject: Social Equity Statement for Ordinance Extending Amnesty Period Created by
Ordinance No. 11-64 for an Additional Year

The proposed ordinance extends the Amnesty Period, which allows the County to waive civil penalties and liens assessed for building code violations provided certain conditions are met by the property owner, through July 12, 2019.

The Amnesty Period was enacted in 2011, when the entire nation and County was still in the midst of a severe economic crisis, with the intent to encourage compliance with the Building Code while being mindful of the potential financial hardships that result to homeowners with the strict application of the County's system of fine and penalties related to building code violations. The Amnesty Period was subsequently extended and modified through Ordinances Nos. 12-06, 12-59, 13-61, 14-66, 15-34, 16-133 and 17-77. While the number of foreclosure registrations has declined significantly, extending the Amnesty Period can benefit purchasers of distressed homes with multiple violations that are seeking to bring such homes into compliance, which would in return improve the safety and values of surrounding properties. Incentives that encourage compliance may result in the faster correction of violations, which can limit the use of enforcement.



Jack Osterholt
Deputy Mayor

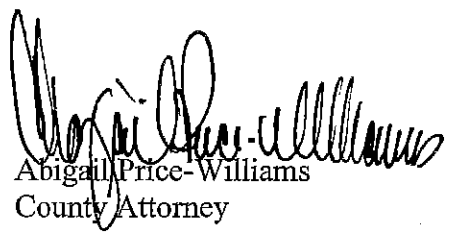


MEMORANDUM

(Revised)

TO: Honorable Chairman Esteban L. Bovo, Jr.
and Members, Board of County Commissioners

DATE: June 5, 2018

FROM: 
Abigail Price-Williams
County Attorney

SUBJECT: Agenda Item No. 7(F)

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 ____, 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. 7(F)
6-5-18

ORDINANCE NO. _____

ORDINANCE EXTENDING AMNESTY PERIOD CREATED BY ORDINANCE NO. 11-64, AS SUBSEQUENTLY AMENDED, FOR AN ADDITIONAL YEAR COMMENCING JULY 12, 2018; PROVIDING FOR A LIMITED EXCEPTION FROM CIVIL PENALTIES AND LIENS FOR BUILDING CODE VIOLATIONS UPON A HOMEOWNER'S COMPLIANCE WITH THE BUILDING CODE; PROVIDING SEVERABILITY, EXCLUSION FROM THE CODE, AND AN EFFECTIVE DATE

WHEREAS, this Board adopted Ordinance No. 11-64 to create a limited exception from civil penalties and liens resulting from Building Code violations upon a homeowner's compliance with the Building Code as a result of the severe economic crisis that existed in Miami-Dade County during a six-month "Amnesty Period" (the "Amnesty Ordinance"); and

WHEREAS, through subsequent amendments, the Amnesty Ordinance was amended to clarify its application and extend its term; and

WHEREAS, this Board most recently adopted Ordinance No. 17-77 on October 3, 2017 extending the Amnesty Ordinance's term to July 12, 2018 and amending the amnesty to additionally require that homeowners seeking amnesty shall be required to pay all indirect costs of the County in connection with the enforcement of violations; and

WHEREAS, this Board wishes to continue to encourage compliance with the Building Code while being mindful of the hardships that result to homeowners from the strict application of the County's system of fines and penalties relating to building code violations; and

WHEREAS, extending the Amnesty Period for an additional year will help purchasers of distressed homes with multiple code violations to bring such homes into compliance and thereby improve the safety and property values of all homes in the County; and

WHEREAS, this Board wishes to extend the Amnesty Period for an additional one (1) year in the manner more particularly set forth below,

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

Section 1. The Amnesty Period set forth in the Amnesty Ordinance, as subsequently amended, shall be extended for an additional one (1) year, commencing July 12, 2018.

Section 2. 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 3. It is the intention of the Board of County Commissioners, and it is hereby ordained that the provisions of this ordinance, shall be excluded from the Code of Miami-Dade County.

Section 4. 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

Prepared by:

OR

Oren Rosenthal

Prime Sponsor: Commissioner Rebeca Sosa