

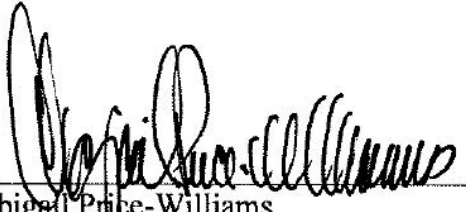
# MEMORANDUM

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<b>TO:</b>	Honorable Chairwoman Audrey M. Edmonson and Members, Board of County Commissioners	<b>DATE:</b>	Agenda Item No. 7(I) (Second Reading 10-6-20) July 8, 2020
<b>FROM:</b>	Abigail Price-Williams County Attorney	<b>SUBJECT:</b>	Ordinance extending amnesty period created by Ordinance No. 11-64, as subsequently amended, for an additional year commencing July 12, 2020; providing for a limited exception from civil penalties and liens for building code violations upon a homeowner's compliance with the building code

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The accompanying ordinance was prepared and placed on the agenda at the request of Prime Sponsor Vice Chairwoman Rebeca Sosa and Co-Sponsor Commissioner Joe A. Martinez.

  
Abigail Price-Williams  
County Attorney

APW/uw

# Memorandum



**Date:** October 6, 2020

**To:** Honorable Chairwoman Audrey M. Edmonson  
and Members, Board of County Commissioners

**From:** Carlos A. Gimenez  
Mayor

A handwritten signature in blue ink, likely belonging to Carlos A. Gimenez, the Mayor.

**Subject:** Fiscal Impact Statement for Ordinance Extending Amnesty Period; Providing for a Limited Exception from Civil Penalties and Liens for Building Code Violations Upon a Homeowner's Compliance with the Building Code

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The proposed ordinance would extend the amnesty period and continue to waive penalties and liens previously assessed by the County. 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 blue ink, likely belonging to Jack Osterholt, the Deputy Mayor.


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Jack Osterholt  
Deputy Mayor

FIS06120 201175

**Date:** October 6, 2020

**To:** Honorable Chairwoman Audrey M. Edmonson  
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

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The proposed ordinance extends the Amnesty Period, initially created by Ordinance No. 11-64, from July 12, 2020 for an additional year providing for a limited exception from civil penalties for building code violations upon a homeowner's compliance with the building code.

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 fines and penalties related to building code violations. The Amnesty Period was subsequently extended and modified through Ordinance Nos. 12-06, 12-59, 13-61, 14-66, 15-34, 16-133, 17-77, 18-65 and 19-109. Extending the Amnesty Period can benefit homeowners with multiple violations that are seeking to bring such homes into compliance, which would in return improve the safety and values of surrounding properties.



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Jack Osterholt  
Deputy Mayor

201175

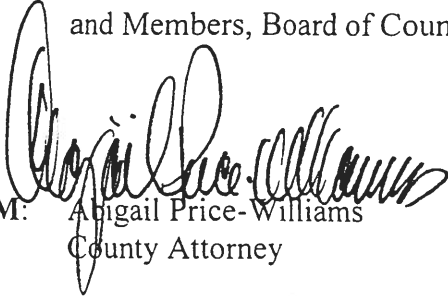


# MEMORANDUM

(Revised)

TO: Honorable Chairwoman Audrey M. Edmonson  
and Members, Board of County Commissioners

DATE: October 6, 2020

FROM:   
Abigail Price-Williams  
County Attorney

SUBJECT: Agenda Item No. 7(I)

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 present \_\_\_\_, 2/3 membership \_\_\_\_, 3/5's \_\_\_\_, unanimous \_\_\_\_, CDMP 7 vote requirement per 2-116.1(3)(h) or (4)(c) \_\_\_\_, CDMP 2/3 vote requirement per 2-116.1(3)(h) or (4)(c) \_\_\_\_, or CDMP 9 vote requirement per 2-116.1(4)(c)(2) \_\_\_\_ 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(I)  
10-6-20

ORDINANCE NO. \_\_\_\_\_

ORDINANCE EXTENDING AMNESTY PERIOD CREATED BY ORDINANCE NO. 11-64, AS SUBSEQUENTLY AMENDED, FOR AN ADDITIONAL YEAR COMMENCING JULY 12, 2020; 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. 19-109 on September 4, 2019 extending the amnesty ordinance's term to July 12, 2020; 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 provided the homeowners pay all indirect costs of the County in connection with the enforcement of violations 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 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 year, commencing July 12, 2020.

**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:

  
OR

Prepared by:

Oren Rosenthal

Prime Sponsor: Vice Chairwoman Rebeca Sosa  
Co-Sponsor: Commissioner Joe A. Martinez