

MEMORANDUM

Agenda Item No. 7(A)

TO: Honorable Chairman Oliver G. Gilbert, III
and Members, Board of County Commissioners

DATE: (Second Reading: 12-12-23)
September 22, 2023

FROM: Geri Bonzon-Keenan
County Attorney

SUBJECT: Ordinance relating to community associations and transparency; amending section 17D-3 of the Code; requiring condominium, cooperative, and homeowners' associations to include, in the written registration filed with the County, a project schedule and disclosure of costs and funding sources related to planned capital improvements

The accompanying ordinance was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Roberto J. Gonzalez and Co-Sponsor Commissioner Raquel A. Regalado.



Geri Bonzon-Keenan
County Attorney

GBK/jp

MDC001

Memorandum



Date: December 12, 2023

To: Honorable Chairman Oliver G. Gilbert, III
and Members, Board of County Commissioners

From: Daniella Levine Cava
Mayor

A handwritten signature in blue ink that reads "Daniella Levine Cava".

Subject: Fiscal Impact Statement for Ordinance Relating to Community Associations
Project Schedule Disclosure of Costs

The proposed ordinance amends Chapter 17D of the Code of Miami-Dade County, Florida. Community associations are currently required to provide a list of planned capital projects from the date of registration through February 1 of the following year as part of their annual registrations. This change will require associations to include a project schedule, commencement and completion dates, costs and source of funding for any such projects.

Implementation of this ordinance is anticipated to be fiscally neutral. The Regulatory and Economic Resources Department is currently administering Chapter 17D, and any additional activities required to verify that this information is received as part of the registration process will be absorbed into existing workloads.

A handwritten signature in blue ink that reads "Jimmy Morales".

Jimmy Morales
Chief Operations Officer

MDC002

Memorandum



Date: December 12, 2023

To: Honorable Chairman Oliver G. Gilbert, III
and Members, Board of County Commissioners

From: Daniella Levine Cava
Mayor

A handwritten signature in blue ink that reads "Daniella Levine Cava".

Subject: Social Equity Statement and Business Impact Statement for Ordinance Relating to Community Associations and Transparency

The proposed ordinance amends Chapter 17D of the Code of Miami-Dade County, Florida. Community associations are currently required to provide a list of planned capital projects from the date of registration through February 1 of the following year as part of their annual registrations. This change will require associations to include a project schedule, commencement and completion dates, costs and source of funding for any such projects.

Social Equity

Implementation of this ordinance is anticipated to enhance the transparency to residents and potential buyers and sellers of properties governed by these associations. Cost of ownership for properties in an association is a very important consideration. Both anticipated and unanticipated capital improvements can impact the level of maintenance fees, and/or result in special assessments. The availability of this more detailed information regarding capital projects may increase the understanding of maintenance fees or special assessments,. For potential purchasers, this increased transparency may help in determining the physical condition of the association property to make better informed purchasing decisions.

Business Impact

Because this a very slight change to the existing registration requirements for community associations, there is no fiscal impact anticipated. Several registrants are already providing this information. Those that have not, do possess the information and it will just be a matter of uploading additional documents during the registration process.

A handwritten signature in blue ink, appearing to read "Jimmy Morales".

Jimmy Morales
Chief Operations Officer



MEMORANDUM
(Revised)

TO: Honorable Chairman Oliver G. Gilbert, III
and Members, Board of County Commissioners

DATE: December 12, 2023

FROM: 
Gen Bonzon-Keenan
County Attorney

SUBJECT: Agenda Item No. 7(A)

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(A)
12-12-23

ORDINANCE NO. _____

ORDINANCE RELATING TO COMMUNITY ASSOCIATIONS AND TRANSPARENCY; AMENDING SECTION 17D-3 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; REQUIRING CONDOMINIUM, COOPERATIVE, AND HOMEOWNERS' ASSOCIATIONS TO INCLUDE, IN THE WRITTEN REGISTRATION FILED WITH THE COUNTY, A PROJECT SCHEDULE AND DISCLOSURE OF COSTS AND FUNDING SOURCES RELATED TO PLANNED CAPITAL IMPROVEMENTS; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

WHEREAS, on March 1, 2022, this Board adopted Ordinance No. 22-23 which created chapter 17D of the Code of Miami-Dade County, Florida, requiring condominium, cooperative, and homeowners' associations (collectively "community associations") to file a written registration with the County disclosing certain information, as well as requiring the County to create a searchable online database of such information for the public to access; and

WHEREAS, among such required disclosures, section 17D-3(A)(9) requires a list of planned capital improvements, and section 17D-3(A)(10) requires that all applicable current or approved special assessments be specifically outlined; and

WHEREAS, such special assessments may relate to projects and capital improvements anticipated to be performed, including in connection with recertification projects; and

WHEREAS, it is in the best interests of the public for homeowners in community associations to be made fully aware of the application of their maintenance fees and any special assessments, and to additionally be made aware of the corresponding work which has and will be performed in connection with such capital improvements; and

WHEREAS, inclusion of information in the required registration and database setting forth (1) a project schedule for capital improvements including the projected and actual commencement and completion dates, and (2) anticipated and actual expenses and funding sources for such capital improvements, will facilitate transparency as well as resident awareness of and accessibility to important information regarding the application of fees and special assessments,

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

Section 1. Section 17D-3 the Code of Miami-Dade County, Florida is hereby amended to read as follows:¹

Chapter 17D – Registration of Community Associations

* * *

Sec. 17D-3. - Community associations required to register.

(A) By February 1 of each year, all condominium associations, cooperative associations, and homeowners' associations, as such terms are respectively defined in Chapters 718, 719 and 720 of the Florida Statutes, governing residential real property located within the County shall file a written registration with the Department. The registration shall contain the following information and attachments:

* * *

¹ Words stricken through and/or [[double bracketed]] shall be deleted. Words underscored and/or >>double arrowed<< constitute the amendment proposed. Remaining provisions are now in effect and remain unchanged.

- (9) A list of the community association's planned capital projects, if any, from the date of registration through February 1 of the following year >>which shall include a project schedule, and projected and actual (i) commencement and completion dates, (ii) costs of such improvements, and (iii) source of the funding applied to such capital improvements<<.

* * *

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, including any sunset provision, shall become and be made a part of the Code of Miami-Dade County, Florida. The sections of this ordinance may be renumbered or relettered to accomplish such intention, and the word "ordinance" may be changed to "section," "article," or other appropriate word.

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:

Prepared by:

Debra Herman

Prime Sponsor: Commissioner Roberto J. Gonzalez
Co-Sponsor: Commissioner Raquel A. Regalado