

Memorandum



Date: March 21, 2025

To: Honorable Chairman Anthony Rodriguez
and Members, Board of County Commissioners

Agenda Item No. 2(B)(4)
May 6, 2025

From: Daniella Levine Cava
Mayor

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

Subject: Report on the Status of Registration by Condominium, Cooperative and Homeowners' Associations in the Miami-Dade County Community Association Registry – Directive No. 231565 and 232555

Executive Summary

The following report is provided pursuant to Resolution No. R-895-23, sponsored by Commissioner Roberto J. Gonzalez. This resolution directed the County Mayor or County Mayor's designee to submit a report to the Board that shall, at a minimum, set forth:

- The number of cooperative associations, condominium associations, and homeowners' associations that have registered on the Community Association Registry and those that have failed to register in accordance with Chapter 17D of the Code of Miami-Dade County.
- Measures taken to educate the community associations and the public regarding the registration requirements, as well as their ability to access the information on the registry.
- Recommended measures to maximize registration and enforce compliance; and
- Recommendations to increase public awareness and the estimated costs, if any, of accomplishing such recommendations.

On March 1, 2022, the Board adopted Ordinance No. 22-23, creating Chapter 17D of the Code of Miami-Dade County which requires all community associations to register with the Department of Regulatory and Economic Resources (RER). Pursuant to the ordinance, RER developed the Community Association Registry, which provides a searchable database that allows community associations to upload all required registration documentation. The Community Association Registry can be found at the following link:

<https://www.miamidade.gov/global/economy/consumer-protection/community-association-registry.page>.

Below is a summary of the Community Association Registry Program (Program), the continued outreach efforts to educate residents, and measures identified to maximize registrations. Consideration was given to costs associated with the identified measures. Based on the plans for increasing these efforts, said measures can be absorbed into existing budgets.

As of March 12, 2025, 3,939 associations have successfully registered with RER and an approximate 584 associations have never registered. With calculating for the 151 in progress applications finalizing their registrations, the compliance rate for registrations would rise to 87%. Currently, compliance is at 84% not counting the in-progress applications.

Additionally, the Board adopted Ordinance 23-106 (Ord. 23-106), sponsored by Commissioner Roberto Gonzalez, which amended the Program to require reporting on capital improvement projects where a special assessment has been levied, including project schedules, costs, and the

source of their funding. Enhancements were implemented to the registry to allow reporting as required by this ordinance and noted below.

Community Association Registrations

Upon adoption of the ordinance, work commenced on developing the Program. Initially, development focused on the creation of the required searchable database mandated by the legislation. The registration was created to rely solely on an online submission process, which would result in the requisite publicly searchable database. In-house developers created a system that links to the Miami-Dade County Property Appraiser's (PA) database which not only eases the registration process but helps to ensure data integrity. By late November 2022, the initial phase of the database was completed, and efforts were redirected to education and awareness campaigns in preparation for the 2023 launch of the Program.

Registered and Non-Registered Communities

The online registration portal was launched on January 1, 2023. Community associations are required to register with the County by February 1st of every year. R-895-23 requests for this report to provide the number of associations "that have registered on the Community Association Registry and those that have failed to register." There is a distinction between associations that have registered, associations that have already registered but requiring to renew their registrations for the current year, and those that have never registered.

Work toward deciphering the number of associations that have never registered continues through the writing of this report and is expected to culminate in the coming months. Staff are utilizing information from various sources to determine the associations operating in Miami-Dade County. Determining an accurate number of existing community associations and their physical location has been an involved and labor-intensive process. A comprehensive listing that includes all condominium, cooperative and homeowner associations did not heretofore exist. In fact, the County's registry will become the de facto list for associations throughout the County once the verification process is complete. The Florida Department of Business and Professional Regulations, Division of Florida Condominiums, Timeshares, and Mobile Homes (DBPR) maintains a historic statewide listing of condominiums, and cooperative associations. Prior to 2016, this listing included homeowner associations but has not since. Therefore, the homeowners' associations created after 2016 are not accounted for on the DBPR list. These homeowners' associations must be found by other research methods. Information on new condominiums is received from DBPR as they are required to register at the time of their establishment. There is no such requirement to notify DBPR when an association ceases to exist, which renders the list inaccurate for purposes of determining functioning community associations that are subject to Ord. No. 22-23. Nevertheless, the list has proven useful for a process of elimination method as it should contain all condominium, cooperative and many homeowners' associations that have existed in the county. Staff are determining which ones are still operating. Staff are also utilizing the PA database to cross reference the DBPR list to assure each community association is accounted for; however, the PA database does not include coding for homeowner associations.

Aside from determining the number of current associations, other challenges in determining accuracy are association names having changed over time, property use changing, names used while in the development phase changing at completion but not updated on the DBPR list, the form of name entry may differ between the lists, or the association may no longer exist. In several instances, the location address may have been the developer address, or management company rather than the physical association location. A combination of these issues created challenges

in cross-referencing exact matches without additional verification. Staff has audited the list, conducted research and performed site visits to ensure that all required community associations have registered.

DBPR's list contained approximately 6,036 community associations that required evaluation as to whether the entities were required to register under Ord. No. 22-23. As of March 12, 2025, staff have determined that 1,513 entries from the DBPR list were not applicable as they were duplexes, commercial properties, terminated associations, or demolished buildings that were not subject to the registration required of the ordinance.

As of March 12, 2025, 3,939 unique community associations have successfully registered on the County's registry portal. Of these 3,939 associations, 1,598 are working to renew their registration for the year 2025 and 151 are in progress to register for the first time. The remaining 2,190 are in compliance for 2025. The following provides a breakdown of unique community association types that have registered with the county*:

- Condominium Associations: 3,146
- Master Associations: 108
- Homeowners' Associations: 630
- Cooperative Associations: 55

**A portion of these associations are pending to renew their 2025 registration.*

There are approximately 584 community associations that have failed to ever register with RER pursuant to Ord. No. 22-23. The number of community associations requiring to register may change as each case is evaluated. The table below recapitulates these amounts:

Status	Number
DBPR Master List of Associations	+6,036*
DBPR Entries Not Applicable	-1,513
Unique Communities Registered with RER	-3,939
Approximate Number of Community Associations Requiring to Register for the First Time	584

*DBPR Master List does not contain homeowners' associations created after 2016.

Please note that the publicly accessible online search portal for registered community associations yields a higher number of records than the amounts provided above. Due to the interest of transparency and preserving complete public records, the online portal system displays all documents and registrations uploaded, including those that have been withdrawn, are in progress, abandoned, expired, or closed, as well as associations that may have submitted duplicate applications. Moreover, the number of community associations that have fully complied with Chapter 17D is significantly lower than the totality of uploads to the portal. As an aside, the portal allows the public to export all its data.

Public Education and Awareness Conducted

Beginning in December 2022, RER staff began informing the public about the new ordinance and providing details about upcoming webinars. These webinars included discussions on the new registration requirements and demonstrations of how to submit registration documents online.

Approximately 150,000 emails were sent utilizing the RER database of email addresses provided during past building industry-related webinars and outreach events. Additionally, a physical mailing was conducted to over 18,000 entities which included Condominium Associations, Cooperative Associations, Homeowners' Associations, Property Management companies, Developers, etc. Meanwhile, the Community Association Registry web page was created and launched.

Three of the following webinars were conducted prior to the initial February 1, 2023 deadline for registration and another more recent webinar provided an overview of the registry:

Webinar Date	No. of Registrants	No. of Attendees
December 15, 2022	306	157
January 12, 2023	362	181
January 26, 2023	336	187
January 23, 2025	240	160

The webinars offered instruction and allowed for a live question-and-answer session. After each session, a copy of the presentation and link to the recorded webinar was provided to all the participants and posted on the Community Association Registration web page.

RER attended several community meetings to bring awareness to the community association registration requirement. Staff answered questions to help clarify the Code requirements and the various services RER provides. Meetings included but were not limited to:

- A "Condo Rights" workshop hosted by the Town of Sunny Isles Beach on September 29, 2022.
- A workshop on the Condominium Special Assessment Loan Program at the Aventura Government Center with Commissioner Micky Steinberg on March 1, 2023.
- A Civic and Community Representative meeting on December 15, 2023.
- A Coral Gables Town Hall meeting was held on May 1, 2024.
- A workshop, supported by District 5 Commissioner Eileen Higgins, at the Miami Beach Regional Library on May 16, 2023.
- A workshop, supported by District 5 Commissioner Eileen Higgins, at Mater Brickell Academy on May 17, 2023.
- A Condo Informational Workshop, supported by District 5 Commissioner Eileen Higgins, on May 28, 2024.
- The Civic and Community Engagement Representative's meeting on June 17, 2024.
- A panel discussion on June 19, 2024, hosted by Commercial Real Estate Woman (CREW) Miami.

These meetings and several others, where registry information has been shared, have provided opportunities for staff to offer information to the public about the Program and provided interested parties with a direct point of contact for any questions or concerns. The Program's webpage was launched in December 2022 and evolves with relevant information regarding regulations, FAQs, and links to relevant resources. The webpage has the necessary information regarding registration requirements, along with a link to the Community Association User Guide, which is a

step-by-step guide to walk users through the process for online registration. A FAQ section also provides answers to common issues regarding registration requirements. As noted above, there is also a recording of the webinar accessible for public viewing.

In July 2023, courtesy reminders were mailed to community associations that had not filed a registration notifying them of their obligation to register pursuant to Chapter 17D. This correspondence provided addresses for the webpage and emails to find further information regarding the Program.

An email address of CPReg@miamidade.gov was created for questions on any issues that arise with respect to the Program. Common questions and concerns from these existing outlets will continue to enhance the websites' FAQ section. Information on the Community Association registry also forms part of RER's social media campaign which provides rotating messaging regarding its programs. Also, a dedicated support line was established for calls from the public requiring assistance in the application process and seeking additional guidance on the registration requirement.

Measures to Maximize Registration and Enforce Compliance

Activities to maximize registration have continued throughout the implementation of the program. The goal of the initial public awareness and education campaign was to encourage community associations to register. One of the outreach objectives is to continue participation in community meetings to establish a visible presence to the public and to provide extensive information and promotional materials about the registry. This also includes outreach to customers who have an application in progress and aiding with finalizing the application to ensure completion of the registration. To ensure continued compliance with the mandate, reminder notifications will be emailed to customers who have registered and have an account in the registry database. These notifications will be emailed for 90 days, 60 days, and 30 days prior to the February 1st deadline to register.

After the initial months following implementation, the number of submitted registrations plateaued. RER then conducted a vetting of the associations that had not registered through the Florida Division of Corporations database to structure another round of direct mailing to encourage registration. From that mailing, an additional wave of registrations was received. Given that this was a new ordinance, a prolonged grace period was offered to allow additional time for compliance.

The ordinance, as structured, enforces compliance through Chapter 8CC of the Code. This will entail the investigation of each non-compliant association, to ensure the exact legal name, address, and responsible party, and that the association is currently in existence. Then civil violation notices (citations) are issued and the code enforcement process including the levying of fines will ensue. The fines for non-compliance are \$200 for an initial violation. Second violations incur a \$500 penalty. Third and subsequent violations incur a \$1,000 penalty.

Measures to Increase Public Education and Awareness

Activities to increase the public awareness of the community association registration requirements have been underway since December 2022. In addition to current forms of public education, RER also utilizes social media to disseminate the message and guide the public to further resources. RER continues to conduct presentations on condominium building 30-year recertifications on an as-requested basis and includes information on the Program. These efforts are ongoing.

R-895-23 requests recommendations with respect to education and awareness that more specifically targets information regarding problems owners may have with their association management. The community association registration webpage initially focused on the registration requirements and process and was directed at the parties responsible for submitting registrations under Chapter 17D. RER added content to these webpages which provides information regarding owners' rights as contained in the Florida Statutes with links to agencies that may be able to assist residents with association or association management concerns.

Condominium associations, cooperative associations and homeowners' associations are statutory creations, and their oversight is contained in their respective statutory provisions. For condominium associations, the DBPR is the state agency that has jurisdiction. Under Chapter 718 of the Florida Statutes, DBPR is vested with the authority and responsibility to not only conduct investigations but also the enforcement power to issue civil penalties. DBPR is also able to assist residents through the Office of the Condominium Ombudsman.

Similarly, DBPR is the state agency that has jurisdiction for cooperative associations. Under Chapter 719 of the Florida Statutes, DBPR has similar authorities and responsibilities as those set forth for condominium associations. There is no provision for an ombudsman office, but resident complaints can be submitted directly to DBPR.

Homeowners' associations are governed by Chapter 720 of the Florida Statutes which limits DBPR's jurisdiction to election disputes. Other than this limited jurisdiction, homeowners' associations in Florida are not overseen by a government agency. Homeowners' associations must operate within the guidelines of Chapter 720. If they are out of compliance, it is up to the community members to litigate against the homeowner's association. Neither DBPR, nor any other governmental agency has statutory authority to investigate complaints against homeowners' associations, although fraud complaints may be submitted to law enforcement. Apart from election disputes, DBPR directs parties to homeowners' association disputes to hire private mediators to assist them in resolving their issues.

The RER webpage is updated with information and direct resources for reporting concerns on potential fraud by Condominium Associations and/or Board Members along with FAQs that address common issues including links to the DBPR pages. To assist with homeowner's association fraud, links to the Miami-Dade Police Department's (MDPD) Organized Crime Bureau are included on RER's condominium registry webpage.

Enhancements to Condominium Association Registration Program

The County was ahead of the state's eventual legislation which mandates condominiums to provide publicly accessible documentation. Because so many residents contact the County for assistance with their condominium issues, the County has established a Condominium Assistance and Compliance Manager to assist with navigating what are sometimes complex and multijurisdictional matters. This position is already helping residents navigate resources towards solving condominium issues, assist with 30-year recertification requirements, code enforcement matters, the County's low interest loan for special assessments, assisting with the condominium registry, working with the local office of the DBPR for matters under their preview, and any manner of complaints they can assist with or provide productive referrals toward. The County Condo Manager is housed within RER's Consumer Protection and Neighborhood Division and serves residents countywide. The County's Condo Manager will review and validate all condominium concerns and determine the best course of action for aiding the public and streamlining efforts with the local state authority. A significant aspect of the position is to liaise with the County

agencies including internally within RER. Corresponding matters include regulatory operations within RER such as building code and building recertifications, Housing and Community Development (HCD) for housing loan assistance and MDPD for law enforcement related issues. The County Condo Manager will serve as the liaison to RER's Recertification Unit for any inquiries on pending recertifications and status of reports to be reviewed and approved. The Manager also helps to navigate any violations stemming from non-compliance of the recertification requirement. The public now has a direct contact which oversees all inquiries related to the recertification process for their condominiums. This role also includes serving as the liaison with RER's Board and Code Administration Division for any inquiries related to condominium recertification concerns within municipalities and under the purview of the respective municipal Building Officials. In sum, this position is now the main point of contact for countywide condominium association issues, facilitating consistent accessibility to the public and fostering effective and efficient customer service while ensuring the well-being and safety of the residents of Miami-Dade County.

Finally, Ord. No. 23-106 amended the requirements to require community associations to provide "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 additionally shall, solely for capital projects for which a special assessment has been levied, 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." Programmatic enhancements have been made to the registry which allows community associations to upload this information in accordance with this ordinance, and no specific questions or concerns have been raised by registrants with respect to this additional reporting requirement.

Per Ordinance No. 14-65, this report will be placed on the next available Board meeting agenda. Should you require additional information, please contact Lourdes M. Gomez, Director, RER at 305-375-2886 or at Lourdes.Gomez@miamidade.gov.

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