

MEMORANDUM

Amended
Agenda Item No. 7(A)

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

DATE: (Second Reading: 4-4-23)
April 4, 2023

FROM: Geri Bonzon-Keenan
County Attorney

SUBJECT: Ordinance relating to Miami-Dade County Building Code compliance; granting an extended compliance period and creating a limited exception from payment of civil penalties and liens for property owners in the Hammocks Community Association Development upon satisfaction of certain conditions, including compliance with the Miami-Dade County Building Code; providing exceptions; directing the County Mayor to implement procedures and develop documents necessary to effectuate the purposes of this ordinance

Ordinance No. 23-22

The accompanying ordinance was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Roberto J. Gonzalez and Co-Sponsor Senator René García.


Geri Bonzon-Keenan
County Attorney

GBK/gh

MDC001

Memorandum



Date: April 4, 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, reading "Daniella Levine Cava".

Subject: Fiscal Impact Statement for Ordinance Relating to Extended Compliance Period Hammocks
HOA

The proposed ordinance provides an amnesty period which allows for a limited exemption from civil penalties and liens upon compliance related to building code violations, for violations in the Hammocks Community Association. Exemption from penalties is contingent on the property having a homestead exemption, entering into a consent agreement with the department, and complying with the violations within the stipulated timeframe provided.

Currently, the Building Code Compliance Unit maintains 76 active cases in this community. This is a small percentage of the unit's overall enforcement activities. Furthermore, since the exemption from civil penalties is conditional upon correction of the violation, within the amnesty period and the County is allowed to recuperate direct enforcement costs, implementation of the proposed ordinance will not have a significant impact to the County.

A handwritten signature in blue ink, reading "Jimmy Morales".

Jimmy Morales
Chief Operations Officer

Memorandum



Date: April 4, 2023

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

From: Daniella Levine Cava 
Mayor

Subject: Social Equity Statement for Ordinance Relating to Miami-Dade County Building Code Compliance

The proposed ordinance relates to Building Code violations within the Hammocks Community Association development. This ordinance grants an extended compliance period that creates a limited exception from the payment of civil penalties and liens for property owners that have been subject to building code violation complaints. Exemption from penalties is contingent on application by an owner of a single -family home that has qualified for and received homestead exemption within the Hammocks Community Association development, entry into a consent agreement with the County within the one-year extended compliance period, compliance with such consent agreement, and satisfaction of all direct costs of the County.

The proposed ordinance will specifically benefit property owners within the Hammocks Community Association development who were subject to building code violation complaints. Due to ongoing issues that have arisen between the Association and homeowners within the development, including a lawsuit filed by the homeowners against the Association, additional time to gain compliance is being granted under this Ordinance. The property owners within this community will be able to focus their resources and attention on obtaining the required building trade permits needed to obtain compliance and receive relief from incurring civil penalties and fines.



Jimmy Morales
Chief Operations Officer

230185

MDC003



MEMORANDUM

(Revised)

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

DATE: April 4, 2023

FROM: 
Gen Bonzon-Keenan
County Attorney

SUBJECT: Amended
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 _____

Amended
Agenda Item No. 7(A)
4-4-23 BCC

ORDINANCE NO. O-23-22

ORDINANCE RELATING TO MIAMI-DADE COUNTY BUILDING CODE COMPLIANCE; GRANTING AN EXTENDED COMPLIANCE PERIOD AND CREATING A LIMITED EXCEPTION FROM PAYMENT OF CIVIL PENALTIES AND LIENS FOR PROPERTY OWNERS IN THE HAMMOCKS COMMUNITY ASSOCIATION DEVELOPMENT UPON SATISFACTION OF CERTAIN CONDITIONS, INCLUDING COMPLIANCE WITH THE MIAMI-DADE COUNTY BUILDING CODE; PROVIDING EXCEPTIONS; DIRECTING THE COUNTY MAYOR OR COUNTY MAYOR’S DESIGNEE TO IMPLEMENT PROCEDURES AND DEVELOP DOCUMENTS NECESSARY TO EFFECTUATE THE PURPOSES OF THIS ORDINANCE; PROVIDING SEVERABILITY, EXCLUSION FROM THE CODE, SUNSET, AND AN EFFECTIVE DATE

WHEREAS, this Board wishes to encourage compliance with the Miami-Dade County Building Code, codified in chapter 8 of the Code of Miami-Dade County (“Building Code”), while being mindful of the hardships that result to property owners from the strict application of the County’s system of fines and penalties relating to Building Code violations; and

WHEREAS, this Board is also mindful that, in some instances, complaints alleging such Building Code violations can be used as a means of harassment or even intimidation; and

WHEREAS, for example, property owners within the Hammocks Community Association development have been subject to Building Code violation complaints made by board members of the Hammocks Community Association (the “Association”), the master homeowner’s association comprised of numerous sub-associations that is responsible for providing centralized management for the Hammocks Community Association development; and

WHEREAS, as covered in prior news reports, a variety of ongoing issues and tensions have arisen between the Association and homeowners within the Hammocks Community Association development, including a lawsuit filed by one homeowner against the Association; and

WHEREAS, the Hammocks Community Association development is made up of a predominantly middle-class community, including homeowners on fixed incomes; and

WHEREAS, due to the limited income and resources available to the property owners in the Hammocks Community Association development, additional time to gain compliance should be afforded for Building Code violation cases that have been opened and remain open in the Hammocks Community Association development; and

WHEREAS, to accomplish these purposes, this Board wishes to create a limited exception for property owners in the Hammocks Community Association development from civil penalties and liens resulting from Building Code violations upon a property owner's compliance with the Building Code in the manner more particularly set forth below,

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

Section 1. For purposes of this ordinance, the term "extended compliance period" shall mean that period of time commencing on the effective date of this ordinance and ending one year thereafter.

Section 2. Upon application by an owner of a single-family home within the Hammocks Community Association development, the County shall waive any and all civil penalties related to the enforcement of the Building Code for the structure and appurtenances and forego all liens related to such civil penalties upon full satisfaction of the following conditions:

- (a) Entry into a consent agreement with the County within the extend compliance period, and compliance with such consent agreement;
- (b) Issuance of a permit, within the time period set forth in the consent agreement, to correct all Building Code violations;
- (c) Compliance with the Building Code within the time period provided in the Building Code for completion of the work on the structure and appurtenances under the permit obtained pursuant to the consent agreement; and
- (d) Satisfaction in full of all direct costs of the County in connection with prior enforcement in connection with the structure and appurtenances, as documented by the County.

Section 3. Notwithstanding and prevailing over anything to the contrary contained herein:

- (a) The provisions of section 2 shall not apply in the event that the County has commenced a civil action to collect on the civil penalties or to foreclose a lien or to enforce the Building Code;
- (b) This ordinance shall not serve as a defense against any such action or against any enforcement action brought by the County; and
- (c) This ordinance shall not apply to any violation determined to be a life-safety issue in the sole discretion of the Building Official, subject to the provisions of section 8-4(d) of the Building Code.

Section 4. The County Mayor or County Mayor's designee is hereby directed to, in coordination with the County Attorney's Office, implement the necessary procedures and develop the necessary documents to give effect to the intent of this ordinance.

Section 5. 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 6. 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 7. 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.

Section 8. This ordinance shall stand repealed five (5) years from its effective date.

PASSED AND ADOPTED:

April 4, 2023

Approved by County Attorney as
to form and legal sufficiency:

GKS for GBK

Prepared by:

KMB

Keoki M. Baron
Eduardo W. Gonzalez

Prime Sponsor: Commissioner Roberto J. Gonzalez
Co-Sponsor: Senator René García