

MEMORANDUM

Agenda Item No. 7(J)

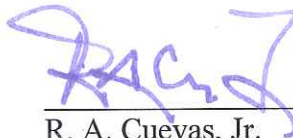
TO: Honorable Chairwoman Rebeca Sosa
and Members, Board of County Commissioners

DATE: (Second Reading 7-1-14)
April 8, 2014

FROM: R. A. Cuevas, Jr.
County Attorney

SUBJECT: Ordinance extending Amnesty
Period created by Ordinance
11-64; providing for a limited
exception from civil penalties
and liens for building code
violations upon a homeowner's
compliance with the building

The accompanying ordinance was prepared and placed on the agenda at the request of Prime Sponsor Chairwoman Rebeca Sosa and Co-Sponsor Senator Javier D. Souto.



R. A. Cuevas, Jr.
County Attorney

RAC/Imp

Memorandum



Date: July 1, 2014

To: Honorable Chairwoman Rebeca Sosa
and Members, Board of County Commissioners

From: Carlos A. Gimenez
Mayor

A handwritten signature in black ink, appearing to read "Carlos A. Gimenez", written over a horizontal line.

Subject: Ordinance extending Amnesty Period created by Ordinance 11-64; providing for a limited exception from civil penalties and liens for building code violations upon a homeowner's compliance with the building code

This proposed ordinance extends the Amnesty Period created by Ordinance 11-64 for a limited exception from civil penalties and liens for building code violations for an additional one-year period. As of April 3, 2014, the Regulatory and Economic Resources (RER) department has successfully completed 1,149 cases under the provision of this ordinance. Total civil penalties and liens assessed amounted to \$10.252 million of which \$9.675 million was waived from August 2011 to April 3, 2014. The fiscal impact of implementing this ordinance will depend upon the number of homeowners that opt to be covered during the extension period.

A handwritten signature in black ink, appearing to read "Jack Osterhoit", written over a horizontal line.

Jack Osterhoit
Deputy Mayor

Fis6914



MEMORANDUM

(Revised)

TO: Honorable Chairwoman Rebeca Sosa
and Members, Board of County Commissioners

DATE: July 1, 2014

FROM: 
R. A. Cuevas, Jr.
County Attorney

SUBJECT: Agenda Item No. 7(J)

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
- ☐ 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(J)
7-1-14

ORDINANCE NO. _____

ORDINANCE EXTENDING AMNESTY PERIOD CREATED BY ORDINANCE 11-64; 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, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

WHEREAS, this Board adopted Ordinance 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 exists 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 adopted Ordinance 13-61 extending the Amnesty Ordinance's term to July 12, 2014; 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, this Board wishes to extend the Amnesty Period for an additional one (1) year in the manner more particularly set forth below,

NOW, THEREFORE, 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 most recently amended by Ordinance 13-61, shall be extended for an additional one (1) year, commencing July 12, 2014.

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:

Prepared by:

Oren Rosenthal

Prime Sponsor: Chairwoman Rebeca Sosa
Co-Sponsor: Senator Javier D. Souto