

Implementation of Ordinance No. 08-133 Regarding Certificate of Use Requirement for The Sale of Foreclosed Properties

FACT SHEET

Q. When was the new Ordinance approved?

A. On December 2, 2008 the Board of County Commissioners adopted Ordinance No. 08-133, which requires issuance of a Certificate of Use (CU) by the Department of Planning and Zoning (DP&Z) for residential properties (in unincorporated Miami-Dade County) which are acquired through a Certificate of Title (Foreclosures and Judgments), in accordance with Chapter 45, Florida Statutes. This new ordinance requires the establishment of a new Certificate of Use process for such properties. This process will require that affected individuals/institutions obtain a CU, prior to the offering of such property either through a sale, transfer or alienation of such property.

Q. What is the purpose of the Certificate of Use (CU) requirement for the sale of foreclosed properties?

A. The new CU requirement is a consumer-protection legislation. The process of the new CU is to document and disclose to the public/buyer, the extent to which residential properties (i.e. single family, condominium, townhouse, or duplex) acquired in this way comply with all applicable building codes and zoning codes.

Q. Who is responsible for obtaining the Certificate of Use (CU) for the sale of foreclosed properties?

A. The holder of a property acquired through a Certificate of Title in accordance with Chapter 45, Florida Statutes (Foreclosures and Judgments) -- i.e. lending institutions and mortgagees.

Q. What properties are affected?

A. Only residential properties acquired through a Certificate of Title in accordance with Chapter 45, Florida Statutes (Foreclosures and Judgments) that are located in **UNINCORPORATED** Miami-Dade County – properties with folio numbers beginning with 30.

Q. What does the new Certificate of Use (CU) process for the sale of foreclosed properties require?

A. The new CU process includes preparation of a **disclosure of findings report**, which identifies building or zoning code violations for each property and contains a good faith estimate of the cost to remedy any deficiencies. This report must be completed by an architect or professional engineer licensed and registered in the State of Florida and submitted to the Zoning Permits Section of DP&Z at the Miami-Dade Permitting and Inspection Center located at 11805 S.W. 26th Street (Coral Way), Miami, FL 33175.

Q. How can the new Certificate of Use (CU) process for the sale of foreclosed properties protect people?

A. By making prospective property owners aware of building or zoning deficiencies.

Q. What is the effective date of enforcement for the new Certificate of Use (CU) for the sale of foreclosed properties?

A. April 1, 2009.

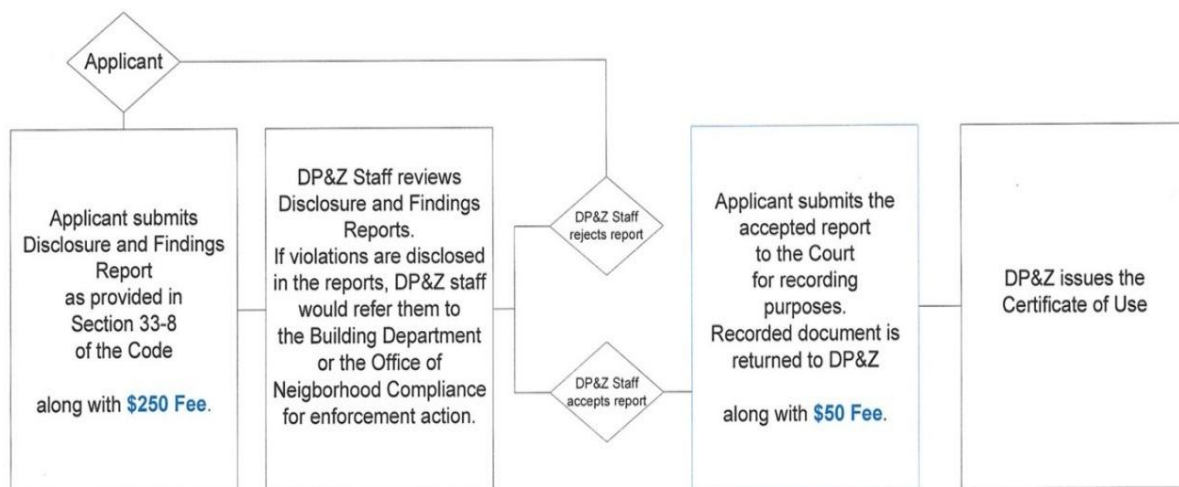
Q. Are there submittal forms?

A. The submittal form to be used by the applicant in the preparation of the disclosure and findings report is available at both of the Department of Planning and Zoning locations, as well as on the Department's web page www.miamidade.gov/planzone.

Q. What is the process for the new Certificate of Use (CU) for the sale of foreclosed properties?

A. The process is as follows:

- Submittal of the Disclose and Finding report to the Department at the Miami-Dade Permitting and Inspection Center on Coral Way, along with initial filing fee of \$ 250.00 plus 8% surcharge (Total filing fee is \$300.00 plus 8% surcharge).
- Staff reviews report and determines acceptance or denial of report. In addition, staff also identifies potential violations and refers violations to the appropriate agencies. (Acceptance or denial of the report is independent of the resolutions of any violations).
- Upon acceptance of report, applicant records the report with the Clerk of the Court (which has four recording locations, including the West Dade Satellite Recording Office conveniently located at the Miami-Dade Permitting and Inspection Center) and submits report to the county along with the remaining filing amount of \$50.00 plus 8% surcharge
- DP&Z staff issues the Certificate of Use for the sale of foreclosed properties and deems the certificate of title holder to be in compliance.



Q. What is the cost of the Certificate of Use (CU) for the sale of foreclosed properties and what makes up that fee amount?

A. A \$300 fee, per property is required for the DP&Z's review of the disclosure and findings report and the issuance of a final CU, with \$250 plus 8% surcharge of which to be paid "up front" at the time of report submittal and the remaining \$50 plus 8% surcharge due at the time of CU issuance. An additional \$50 fee plus 8% surcharge is also included for cases where a disclosure of findings report is rejected by Department staff and must be re-submitted.

***Fees are subject to an 8% surcharge

Q. What about violations?

A. After the disclosure and findings report has been reviewed by staff, violations noted by the design professional will be referred to the appropriate department, Building or Office of Neighborhood Compliance (ONC). DP&Z staff will notate on the disclosure report that a referral(s) has been made prior to the document being recorded. DP&Z staff will enter the referral(s) in the Oracle system. This will allow the DP& Z to keep track of the referrals made to Building and ONC. The secretary of the Zoning Permit/Inspection Section will then email the referrals to the designated contact person for Building and ONC. **Please note that the report's acceptance is independent from the outcome of these violations.**

Q. What are penalties for non-compliance with the new Certificate of Use (CU) for the sale of foreclosed properties?

A. Failure to obtain the required CU will result in penalties as provided in Chapter 8CC of the County code.

Q. How can the public obtain additional information on the new Certificate of Use (CU) for the sale of foreclosed properties?

A. All the pertinent information is posted on the DP&Z's website. The website's address is www.miamidade.gov/planzone. If additional information is needed, you may contact Ralph Gisbert, Supervisor of the Zoning Permits and Inspections Section at (786) 315-2660.

The information is being disseminated through the County's web-portal, The County's Scoop publication (which is mailed to over 300,000 county residents), Miami-Dade TV, DP&Z's informational sessions and direct mailings.