## Chapter 17 HOUSING [[1]](#BK_690E2ACB253C7DA258950ABBAF54F6EA)

[ARTICLE I. - IN GENERAL](../level3/PTIIICOOR_CH17HO_ARTIINGE.docx)

[ARTICLE II. - METROPOLITAN MIAMI-DADE COUNTY MINIMUM HOUSING STANDARDS](../level3/PTIIICOOR_CH17HO_ARTIIMEMIDECOMIHOST.docx)

[ARTICLE III. - CITY OF MIAMI MINIMUM HOUSING STANDARDS](../level3/PTIIICOOR_CH17HO_ARTIIICIMIMIHOST.docx)

[ARTICLE IV. - HOUSING ASSISTANCE(RESERVED)](../level3/PTIIICOOR_CH17HO_ARTIVHOASRE.docx)

[ARTICLE V. - PUBLIC NUISANCES ON LEASED PROPERTY](../level3/PTIIICOOR_CH17HO_ARTVPUNULEPR.docx)

[ARTICLE VI. - LOCAL HOUSING ASSISTANCE PROGRAM](../level3/PTIIICOOR_CH17HO_ARTVILOHOASPR.docx)

[ARTICLE VII. - INFILL HOUSING INITIATIVE](../level3/PTIIICOOR_CH17HO_ARTVIIINHOIN.docx)

[ARTICLE VIII. - AFFORDABLE HOUSING TRUST FUND OF MIAMI-DADE COUNTY, FLORIDA](../level3/PTIIICOOR_CH17HO_ARTVIIIAFHOTRFUMIDECOFL.docx)

[ARTICLE IX. - WORKFORCE HOUSING DEVELOPMENT PROGRAM ADMINISTRATION](../level3/PTIIICOOR_CH17HO_ARTIXWOHODEPRAD.docx)

[ARTICLE X. - COMMUNITY AFFORDABLE HOUSING STRATEGIES ALLIANCE](../level3/PTIIICOOR_CH17HO_ARTXCOAFHOSTAL.docx)

FOOTNOTE(S):

--- (**1**) ---

**Cross reference—** Planning department, § 2-104 et seq.; building and zoning department, § 2-117 et seq.; housing discrimination, § 11A-19 et seq.; minimum standards for vacant housing structures, Ch. 17A; demolition of uninhabitable structures, Ch. 17B; mobile homes, Ch. 19A; planning generally, Ch. 23A; urban renewal, Ch. 30A; zoning, Ch. 33. [(Back)](#BK_9A344DB7439C91E8EF863D1D5F09DA72)

### ARTICLE I. IN GENERAL

[Sec. 17-01. Condominium conversions; extension of rental agreements.](#BK_D89BC3B7591B17D01103B0B5199F4922)

[Sec. 17-02. Refinancing of affordable housing loans made to developers.](#BK_13D71806F28A97A0F40F244D545E94B4)

Sec. 17-01. Condominium conversions; extension of rental agreements.

The two-hundred-seventy-day extension period described in Section 718.606(1)(a), Florida Statutes, and the one-hundred-eighty-day extension period described in Section 718.606(1)(b), Florida Statutes, are hereby extended for an additional ninety (90) days.

(Ord. No. 80-87, § 2, 9-2-80)

**Editor's note—**

Ord. No. 80-87, § 2, adopted Sept. 2, 1980, did not expressly amend this Code; hence, codification as [§ 17-01](../level3/PTIIICOOR_CH17HO_ARTIINGE.docx#PTIIICOOR_CH17HO_ARTIINGE_S17-01COCOEXREAG) of a new Art. I of [Ch. 17](../level2/PTIIICOOR_CH17HO.docx#PTIIICOOR_CH17HO) is at the discretion of the editor.

Section 1 of Ord. No. 80-87 provides for incorporation of the recitation of the preamble thereof as a part of the ordinance. Said recitations are as follows:

"WHEREAS, the Florida Legislature has enacted, and the Governor has signed, Chapter 80-3, Laws of Florida, relating to condominium conversions, said legislation being commonly known as the "Roth Act"; and

"WHEREAS, the Roth Act contains provisions relating to condominium conversion during the existence of a housing emergency; and

"WHEREAS, the County Manager has submitted a report relating to the rental housing market in Miami-Dade County, which report is attached hereto and made a part hereof as Exhibit A; and

"WHEREAS, this Board finds and determines that there exists within Miami-Dade County a vacancy rate in rental housing of less than three (3) percent; and

"WHEREAS, this Board finds and determines that the controls as outlined in the Roth Act are necessary and proper to eliminate the grave housing emergency existing in Miami-Dade County.

"NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF Miami-Dade COUNTY, FLORIDA:"

**State law reference—** Roth Act, condominium conversions, Fla. Stats., § 718.604 et seq.

Sec. 17-02. Refinancing of affordable housing loans made to developers.

(a) Any developer or other entity that has received a loan from Miami-Dade County for the provision of affordable housing and repays such loan in full before the date on which the loan is due in full, may upon approval of the Board of County Commissioners, have the repaid funds loaned to it, or a related entity, for additional eligible affordable housing projects. Developers must be in compliance with all County contracts and regulations.

(b) Notwithstanding any other provision of the Code of Miami-Dade County or of any ordinance, no competitive process shall be required for the loan of funds made pursuant to subsection (a) above.

(Ord. No. R-13-12, §§ 1, 2, 2-5-13; Ord. No. 13-79, § 1, 9-4-13)

### ARTICLE II. METROPOLITAN MIAMI-DADE COUNTY MINIMUM HOUSING STANDARDS

[Sec. 17-1. Short title.](#BK_47F3DFFF2FAB138695C6F0D43351068D)

[Sec. 17-2. Legislative findings.](#BK_71ACC7C175AB718B60AA6CF5CFDD72FE)

[Sec. 17-3. Legislative intent.](#BK_E81224223218D1C7202834B6F492E66C)

[Sec. 17-4. Construction and applicability.](#BK_027941BFBD18FB35D467F28B47AC23FF)

[Sec. 17-5. Existing remedies preserved.](#BK_930DB1C18AEEF21E5FF517308788ABB6)

[Sec. 17-6. Definitions.](#BK_FCA1D3100D989E004190D0D229F5B12F)

[Sec. 17-7. Minimum Housing Enforcement Officer—Office established; appointment; term; exempt from classified service; salary.](#BK_AC60D2A852ABA374E79BAB0B0D0E2100)

[Sec. 17-8. Same—Powers.](#BK_BF269A37FFAF3E78467183ECA3658005)

[Sec. 17-9. Same—Identification of Minimum Housing Enforcement Officer; conflict of interest.](#BK_2175D433712628300C4267EFFE3B6AA4)

[Sec. 17-10. Authorized inspections.](#BK_4EB47BB8722049AC6589AE4F57D9AFD1)

[Sec. 17-11. Notice of violations.](#BK_50F8295D39CB9CA51E2D90A1FDC7C67C)

[Sec. 17-12. Notice as final order.](#BK_1D921DAC00F7147583A240A6CB65EC9C)

[Sec. 17-13. Recording of final order.](#BK_C18235A3F76B72D31EDF88289FAC993D)

[Sec. 17-14. Reserved.](#BK_B771176FA44014638A5504076C3E63B0)

[Sec. 17-15. Remedies for enforcement; consent agreements; hindering or obstructing Minimum Housing Enforcement Officer.](#BK_B20B2917A0FD18FB9547E6C7209F1A72)

[Sec. 17-16. Power to act in emergencies.](#BK_F1F05A2A997D1AAE8995465522CE0F6F)

[Sec. 17-17. Appeals from actions or decisions of Minimum Housing Enforcement Officer.](#BK_34A234F56A0A504C8506698EF9B0EE04)

[Sec. 17-18. Reserved.](#BK_FDCE6A707C9890A6D1CDDBBFA0030165)

[Sec. 17-18a. Hearing officer.](#BK_C7546575EE5283236C982D878C6C1906)

[Sec. 17-19. Recovery of enforcement costs.](#BK_CD19786A5CC7F47595FFD3CCB84726E7)

[Secs. 17-20—17-22. Reserved.](#BK_1A940B29EF23A84B1C9A04194F1E8AA3)

[Sec. 17-23. Minimum standards for basic equipment and facilities.](#BK_4FEEB1039DAD9E02ABEAA82292B3A6A4)

[Sec. 17-24. Minimum standards for light and ventilation.](#BK_C7732648A3C511B72A80009E183031BE)

[Sec. 17-25. Requirements relating to the safe and sanitary maintenance of dwellings and dwelling units.](#BK_22C9778B8CB9F2461185985AB372B968)

[Sec. 17-26. Minimum space, use and location requirements.](#BK_EA9513CB5E893749A104B4D1F7161E6E)

[Sec. 17-27. Responsibilities of owners and occupants.](#BK_B0FC539EAF6F9A8432C93B3AC42438FF)

[Sec. 17-28. Maintenance of nondwelling structures and fences.](#BK_78006AF04C3C6E101003B4678649FB1D)

[Sec. 17-29. Minimum standards for hotels and rooming houses.](#BK_3648605EC84C417797716D80460F1D64)

[Sec. 17-30. Designation of dwellings, hotels and rooming houses, unfit for human habitation and procedures for placarding.](#BK_2B0727036A559E4E217BBA6C0A9C4036)

[Sec. 17-30.1. Exceptions.](#BK_7DACE0825F4884AD6138E3A053D76281)

[Sec. 17-31. Judicial review.](#BK_02C3A124EDF4D0BE7736861939E57BCA)

[Sec. 17-32. Repeal clause.](#BK_A8B8A04D5418ACD4079CDF9371192CB7)

[Sec. 17-33. Housing cost impact analysis.](#BK_4340B06621F22F5B6E2EE41E6A673574)

[Sec. 17-34. Mechanism to mitigate cost increases.](#BK_20297F862B7CF89AB096326DEB206004)

[Secs. 17-35—17-40. Reserved.](#BK_43C72C638EC9D497429A1CD8E59D5746)

Sec. 17-1. Short title.

This article enacted under and pursuant to the provisions of the Home Rule Charter of Government for Miami-Dade County, Florida, shall be known and may be cited as the "Metropolitan Miami-Dade County Minimum Housing Standards Ordinance."

(Ord. No. 63-30, § 1.01, 7-16-63)

Sec. 17-2. Legislative findings.

The County Commission hereby finds and declares that there presently exist in Metropolitan Miami-Dade County, Florida, structures used for human habitation which are, or may become in the future, substandard with respect to structure, equipment or maintenance. Further, that such conditions, together with inadequate provision for light and air, insufficient protection against fire hazards, lack of proper ventilation for heating and cooling, insanitary conditions, and overcrowding, constitute a menace to the health, safety, morals, welfare, and reasonable comfort of the citizens and visitors to this metropolitan area. It is further found and declared that the existence of such conditions, factors, or characteristics, if not remedied, will create slum areas requiring large-scale clearance, and further that, in the absence of corrective measures, such areas will experience a deterioration of social values, a curtailment of investment and tax revenues, and impairment of economic values. It is further found and declared that the establishment and maintenance of minimum housing standards are essential to the prevention of blight and decay, and the safeguarding of public health, safety, morals and welfare.

(Ord. No. 63-30, § 1.02, 7-16-63)

**Cross reference—** Housing and Urban Development Department, § 2-186 et seq.

Sec. 17-3. Legislative intent.

The intent and purpose of this article is to protect the public health, safety, morals and welfare of all the people of Metropolitan Miami-Dade County, Florida, by establishing minimum standards governing the condition, occupancy, and maintenance of dwellings, dwelling units, rooming houses, rooming units and premises; establishing minimum standards governing utilities, facilities, and other physical components and conditions essential to make dwellings, dwelling units, rooming houses, rooming units, and premises safe, sanitary, and fit for human habitation; fixing certain responsibilities and duties of owners, operators, agents, and occupants of dwellings, and dwelling units, rooming houses, and rooming units; authorizing and establishing procedures for the inspection of dwellings, dwelling units, rooming houses, and rooming units, and the condemnation and vacation of those dwellings, dwelling units, rooming houses, and rooming units unfit for human habitation; and fixing penalties for the violations of the provisions of this article, and to set forth a procedure for the granting of variances to the enforcement of the provisions of this chapter in cases of extreme hardship, where the health, safety, welfare and morals of the occupants of a given unit, or the public at large, will not be detrimentally affected, and where literal enforcement of the code would offer no meaningful advantage to the occupants of a unit or to the public at large. The article is hereby declared to be remedial and essential to the public interest, and it is intended that this article be liberally construed to effectuate the purposes as stated above.

(Ord. No. 63-30, § 1.03, 7-16-63; Ord. No. 76-27, § 1, 3-16-76)

Sec. 17-4. Construction and applicability.

The provisions of this article shall be applicable as a minimum standard in incorporated and unincorporated areas of Metropolitan Miami-Dade County, Florida. Every portion of a building or premises used or intended to be used for any dwelling purpose, except temporary housing in times of local emergency, disaster or necessity, shall comply with the provisions of this article, irrespective of when such building shall have been constructed, altered or repaired; and irrespective of any permits or licenses which shall have been issued for the use or occupancy of the building or premises, for the construction or repair of the building, or for the installation or repair of equipment or facilities, prior to the effective date of this article. This article is intended and shall be construed as establishing minimum standards for the initial and continued occupancy of all buildings. It is not intended to replace, modify, supersede or diminish the standards established for the construction, repair, alteration or use of buildings, equipment or facilities by the South Florida Building Code (Ordinance No. 57-22, as amended). In any case where any provision of this article is found to be in conflict with a material and controlling provision of zoning regulations, the South Florida Building Code, or any other County or municipal ordinance, code or regulation, or any rules or regulations of the Florida State Board of Health, the provision which establishes the highest standard shall prevail. All County and municipal departments, officials and employees who have the duty, responsibility or authority to issue permits or licenses in regard to the use and occupancy of dwellings, dwelling units, rooming houses, or rooming units, or similar facilities, shall conform to the provisions of this article, as a minimum standard. It shall be the duty and responsibility of municipal departments, officials and employees to enforce the minimum standards prescribed by the provisions of this chapter within the territorial limits of their respective municipalities.

(Ord. No. 63-30, § 1.04, 7-16-63)

Sec. 17-5. Existing remedies preserved.

Nothing in this article shall be deemed to abolish or impair any existing remedies relating to the removal or demolition of any buildings which are deemed to be dangerous, unsafe or insanitary. This article shall not affect violations of any other County or municipal ordinance, code or regulations existing prior to the effective date [[2]](#BK_E762DA991337DEBF8CF8FAA89AE79F68) of this article, and such violations shall be governed and shall continue to be punished to the full extent of the law under the provisions of those ordinances, codes or regulations in effect at the time the violation was committed.

(Ord. No. 63-30, § 1.05, 7-16-63)

Sec. 17-6. Definitions.

In construing the provisions of this article, where the context will permit and no definition is provided herein, the definitions provided in Chapter 4 of the South Florida Building Code shall apply. The following words and phrases when used in this article shall have the meanings ascribed to them in this section:

(1) *Approval* shall mean approved by the head of the enforcement agency or his authorized representatives.

(2) *Basement* shall mean that portion of a building having less than one-half its clear floor-to-ceiling height below the average finished grade of the ground adjoining the building and its ceiling not more than six (6) feet above said grade.

(3) *Cellar* shall mean that portion of a building having one-half or more than one-half of its clear floor-to-ceiling height below the average finished grade of the ground adjoining the building.

(4) *Dwelling* shall mean any building, including, to the extent not inconsistent with State or Federal law, a manufactured home or mobile home, which is wholly or partly used or intended to be used for living, sleeping, cooking and eating, provided that temporary housing as hereinafter defined shall not be regarded as a dwelling.

(5) *Dwelling unit* shall mean any room or group of rooms located within a dwelling and forming a single habitable unit with facilities used or intended to be used for living, sleeping, cooking and eating.

(6) *Enforcing agency* shall mean the minimum housing enforcement officer of Metropolitan Miami-Dade County and the municpal housing inspector as defined in subsection (15.2)

(7) *Enforcing officer* shall mean any employee of the enforcing agency charged with the responsibility of making inspections of buildings and premises and issuing violation notices when necessary. The term shall be synonymous with inspecting officer.

(7.1) *Extreme hardship* shall describe a condition existing in a case before the Board when a dwelling or dwelling unit does not fully comply with the provisions of the minimum housing code but is structurally sound and does not have safety deficiencies, and when the repair of such structure, in order to assure compliance with the code, would result in great economic hardship to the owner or the occupant of said unit, with commensurately little benefit to the owner or occupant and to the public at large.

(8) *Garbage* shall mean the animal and vegetable waste resulting from the handling, preparation, cooking and consumption of food.

(9) *Habitable area* shall mean two (2) or more habitable rooms.

(10) *Habitable room* shall mean a room or enclosed floor space used or intended to be used for living, sleeping, cooking, or eating purposes, excluding bathrooms, shower rooms, water closet compartments, laundries, pantries, foyers, connecting corridors, closets and storage spaces.

(11) *Head of enforcement agency* shall mean the Minimum Housing Enforcement Officer of Metropolitan Miami-Dade County.

(11.1) *Hot water* shall mean water heated by a system capable of supplying one hundred forty (140) degrees Fahrenheit water temperature in the amounts of sixteen (16) gallons per bedroom per three (3) hours as set forth in Section 1.17(10) subsection (5) of the Rules and Regulations Governing the Enforcement of the Minimum Housing Standards Ordinance.

(12) *Hotel* shall mean any dwelling or commercial building, or any part of any dwelling or commercial building, containing one (1) or more hotel units in which space is let by the owner or operator on a predominantly temporary basis to three (3) or more persons who are not husband or wife, son or daughter, mother or father, sister or brother of the owner or operator. Motels and buildings offering dormitory-type sleeping accommodations shall be included in this category.

(13) *Hotel unit* shall mean any room or group of hotel rooms forming a single habitable unit used or intended to be used for living and sleeping, but not for cooking and eating purposes. Motel units and dormitory-type sleeping accommodations shall be included in this category.

(14) *Infestation* shall mean the presence of any insects, rodents, vermin, or other pests.

(15) *Inspecting officer* shall be synonymous with the term enforcing officer as previously defined.

(15.1) *Means of egress* shall mean a continuous path of travel from any point in a building or structure to the open air outside at ground level and consists of three (3) separate and distinct parts:

(a) The way of exit access,

(b) The exit, and

(c) The means of discharge from the exit.

A means of egress comprises the vertical and horizontal means of travel and may include the room space, doorway, corridor, hallway, passageway, stairs, ramps, lobby, escalator, and other paths of travel.

(a) Exit access shall mean that portion of a means of egress which leads to an entrance to an exit.

(b) Exit shall mean that portion of a means of egress which is separated from the area of the building from which escape is to be made by walls, floors, doors or other means which provide the protected path necessary for the occupants to proceed with reasonable safety to the exterior of the building.

Note: An interior aisle, corridor, hallway or other means of travel used to reach an exit door or doorway is not an exit, except where the maximum allowable distance of travel to an exit is exceeded, at which point the aisle or corridor shall be treated as part of an exit or [it] is located, arranged, and enclosed as to constitute an integral part of an exit facility.

(c) Exit discharge shall mean that portion of a means of egress between the termination of the exit at the exterior of the building and ground level.

(15.2) *Municipal housing inspector* shall mean a municipal employee designated by the County Manager pursuant to an interlocal agreement to enforce the provisions of this chapter within the territorial limits of a municipality. Any reference to minimum housing enforcement officer in this chapter shall also mean municipal housing inspector except in [Section 17-7](../level3/PTIIICOOR_CH17HO_ARTIIMEMIDECOMIHOST.docx#PTIIICOOR_CH17HO_ARTIIMEMIDECOMIHOST_S17-7MIHOENOFFFESAPTEEXCLSESA)

(16) *Occupant* shall mean any person over one (1) year of age living, sleeping, cooking, eating in, or having actual possession of a dwelling, dwelling unit, hotel unit, or rooming unit.

(17) *Operator* shall mean any person who has charge, care, or control of a building, or part thereof, in which dwelling units, hotel units, rooming units, or dormitory-type sleeping accommodations are let.

(18) *Owner* or *record owner* shall mean any person, firm, corporation or other legal entity, who individually or jointly or severally with others, holds the legal or beneficial title to any dwelling, dwelling unit, rooming house, rooming unit, facilities, equipment or premises subject to the provisions of this article. The term shall include the owner's duly authorized agent, a purchaser, devisee, fiduciary, property holder or any other person, firm, corporation or legal entity having a vested or contingent interest, or a taxpayer as defined in Florida Statutes Section 192.001(13), as may be amended from time to time. It is intended that this term shall be construed as applicable to the person, firm, corporation or legal entity responsible for the construction, maintenance and operation of the building, facilities or premises involved.

(19) *Premises* shall mean any occupied or unoccupied building, accessory structure, lot, parcel of land, or any part thereof, used or intended to be used for residential purposes.

(20) *Rooming house* shall mean any dwelling, or part of any dwelling, containing one (1) or more rooming units in which space is let by the owner or operator on a predominantly permanent basis to three (3) or more persons who are not husband or wife, son or daughter, mother or father, sister or brother of the owner or operator. For the purpose of this code, boarding houses are included in this category.

(21) *Rooming unit* shall mean any room or group of rooms, forming a single habitable unit, used or intended to be used for living and sleeping but not for cooking or eating purposes.

(22) *Rubbish* shall mean all combustible and non-combustible waste materials except garbage. The term shall include residue from the burning of wood, coal, coke and other combustible materials, paper, rags, cartons, boxes, wood, excelsior, rubber, leather, tree branches, yard trimmings, tin cans, metal, mineral matter, glass and crockery.

(23) *Supplied* shall mean paid for, furnished, or provided by or under control of the owner or operator.

(24) *Temporary housing* shall mean any structure used for human shelter which is not attached to the ground, to another structure, or in a permanent manner to any utilities system. Manufactured homes or mobile homes shall not be designated as temporary housing. For the purpose of this Code, living quarters for migratory agricultural workers shall be defined as temporary housing.

(25) *Meaning of certain words.* Whenever the words "dwelling," "dwelling unit," "hotel," "hotel unit," "rooming house," "rooming unit" and "premises" are used in this article, they shall be construed as though they were followed by the words "or any part thereof."

(26) Any reference in this article to the words "approved," "adequate," "adequately," "properly installed," "properly connected," or "properly constructed," shall have reference to those standards set out in the South Florida Building Code, the Rules of the State Board of Health, Chapters 5, 15 and [26A](../level2/PTIIICOOR_CH26ASANU.docx#PTIIICOOR_CH26ASANU) of the Metropolitan Code, and any other enactment of law applicable to the structure or particular portion or system of the structure under inspection by the enforcing agency.

(Ord. No. 63-30, § 1.06, 7-16-63; Ord. No. 69-46, § 1, 7-23-69; Ord. No. 74-11, § 1, 3-20-74; Ord. No. 74-44, § 1, 6-18-74; Ord. No. 76-27, § 2, 3-16-76; Ord. No. 88-15, § 1, 3-15-88; Ord. No. 92-117, § 1, 10-13-92; Ord. No. 92-147, § 1, 11-17-92)

Sec. 17-7. Minimum Housing Enforcement Officer—Office established; appointment; term; exempt from classified service; salary.

The office and position of Minimum Housing Enforcement Officer is hereby created and established. The Minimum Housing Enforcement Officer shall be appointed by and serve at the will of the County Manager. Such officer shall be chosen by the County Manager on the basis of qualifications and experience in the field of building and housing. The office shall constitute a position exempt from the classified service of the County. The salary for such position shall be fixed by the County Manager, and shall be included in the County budget. The Minimum Housing Enforcement Officer shall serve under the administrative supervision of the Director of Team Metro. The County Manager may appoint such assistants to the Minimum Housing Enforcement Officer as may be necessary in order that the duties may be properly performed, subject to budget limitations.

(Ord. No. 63-30, § 1.07, 7-16-63; Ord. No. 65-32, § 1, 4-20-65; Ord. No. 67-32, § 5, 4-25-67; Ord. No. 88-15, § 1, 3-15-88; Ord. No. 88-123, § 2, 12-10-88; Ord. No. 90-66, § 1, 7-10-90; Ord. No. 95-215, § 1, 12-5-95; Ord. No. 98-125, § 10, 9-3-98)

**Editor's note—**

Ord. No. 90-66, § 1, adopted July 10, 1990, amended the effective date of Ord. No. 88-123, which amended [§ 17-7](../level3/PTIIICOOR_CH17HO_ARTIIMEMIDECOMIHOST.docx#PTIIICOOR_CH17HO_ARTIIMEMIDECOMIHOST_S17-7MIHOENOFFFESAPTEEXCLSESA), to provide that said Ord. No. 88-123 shall be effective June 1, 1992.

Sec. 17-8. Same—Powers.

The powers of the Minimum Housing Enforcement Officer shall include the following:

(1) The enforcement of the provisions of this article and rules and regulations promulgated hereunder, and all County ordinances, codes, rules and regulations pertaining to housing and the use and occupancy of dwellings, and all rules and regulations of the Florida State Board of Health and the Florida Hotel and Restaurant Commission, in cooperation with such State agencies, in the unincorporated areas of Metropolitan Miami-Dade County.

(2) Investigate complaints and institute enforcement actions necessary to abate all violations of County regulations governing the use and occupancy of housing facilities.

In addition to inspections resulting from complaints, inspections may be made at the request of the owner of the subject property provided such requested inspections are for the purpose of qualifying for participation in a governmental program. The Minimum Housing Enforcement Officer shall have the power and authority to charge and collect fees for making inspections. The fees charged shall be as set forth in the Team Metro fee schedule, as established by resolution of the Board of County Commissioners of Miami-Dade County, Florida, as amended from time to time.

(3) Make appropriate surveys and inspections to determine whether the provisions of this article are being complied with, and whether minimum housing standards are being maintained within municipalities.

(4) Make inspections of housing premises, facilities and equipment in accordance with procedures prescribed by this article to determine whether the provisions of this article are being complied with, and make recommendations for methods by which minimum housing standards may be more effectively maintained.

(5) Render all possible assistance and technical advice to persons operating and maintaining housing facilities, premises and equipment.

(6) Establish, operate and maintain a continuous program for monitoring and inspection of housing facilities in Metropolitan Miami-Dade County designed to provide accurate data and information as to whether the minimum standards established by this article are being complied with and whether the level of adequate housing facilities is increasing or decreasing in Metropolitan Miami-Dade County.

(7) Publish and disseminate information to the public concerning all matters relating to minimum housing standards and the advantages of adequate housing facilities.

(8) Render all possible assistance and cooperation to federal, State and local agencies and officials in the accomplishment of effective minimum housing standards and controls.

(9) The Minimum Housing Enforcement Officer shall have the power and authority to charge and collect fees as described in [Section 17-8](../level3/PTIIICOOR_CH17HO_ARTIIMEMIDECOMIHOST.docx#PTIIICOOR_CH17HO_ARTIIMEMIDECOMIHOST_S17-8SAOW)(2) herein for rendering inspection assistance in accordance with the Department of Team Metro fee schedule, as established by resolution of the Board of County Commissioners of Miami-Dade County, Florida, as amended from time to time and to recover the costs of enforcement as provided for in this chapter.

(10) Make periodic reports concerning the status of minimum housing standards and the enforcement of the provisions of this article, and recommendations concerning the improvement of minimum housing standards and controls.

(11) Perform such other administrative duties as may be assigned by the County Manager.

(Ord. No. 63-30, § 1.08, 7-16-63; Ord. No. 81-15, § 1, 2-17-81; Ord. No. 88-15, § 1, 3-15-88; Ord. No. 95-215, § 1, 12-5-95; Ord. No. 98-125, § 10, 9-3-98)

Sec. 17-9. Same—Identification of Minimum Housing Enforcement Officer; conflict of interest.

The Minimum Housing Enforcement Officer and all assistants shall be furnished with official identification cards signed by the County Manager, which identification cards shall contain the name of the officer, his photograph, and pertinent descriptive identifying information, and such other matters designed to facilitate recognition by the public of the status of such official. Upon request, the Minimum Housing Enforcement Officer and assistants shall exhibit such identification when entering any dwelling, dwelling unit, rooming house, rooming unit, hotel, hotel unit, or premises. The requirements of this section shall not in any wise be construed as relieving the Minimum Housing Enforcement Officer or assistants from compliance with the procedures prescribed in this article for making inspections.

No official, board member or employee charged with the enforcement of this law shall have any financial interest, directly or indirectly, in any repairs, corrections, construction or demolition which may be required.

(Ord. No. 63-30, § 1.09, 7-16-63; Ord. No. 65-32, § 5, 4-20-65; Ord. No. 80-55, § 1, 6-17-80)

Sec. 17-10. Authorized inspections.

The Minimum Housing Enforcement Officer and enforcing officers shall be authorized to make inspections to determine the condition of dwellings, dwelling units, rooming houses, rooming units, hotels, hotel units, and premises in order to safeguard the health, safety, morals and welfare of the public. The Minimum Housing Enforcement Officer and enforcing officers shall be authorized to enter any dwelling, dwelling unit, rooming house, rooming unit, hotel, hotel unit, or premises at any reasonable time, or at such other time as may be necessary in an emergency, for the purpose of performing the duties of such office under this article, in accordance with the procedures herein prescribed. Except in emergencies endangering the public health, safety and welfare, the Minimum Housing Enforcement Officer and enforcing officers shall enter a dwelling, dwelling unit, rooming house, rooming unit, hotel, hotel unit, or premises only upon the prior consent of the person lawfully in occupancy thereof or the person having legal right of possession thereof, or in accordance with the provisions of this section. When the Minimum Housing Enforcement Officer or any enforcing officer has reason to believe that any dwelling, dwelling unit, rooming house, rooming unit, hotel, hotel unit, or premises is in violation of the provisions of this article, or when such officer deems it necessary to make an inspection to determine whether a facility is in violation of the minimum housing standards established by this article, such officer shall request permission to make an inspection from the person lawfully in occupancy thereof or from the person having the legal right to possession thereof. In the event that such person refuses to consent to the inspection, the Minimum Housing Enforcement Officer or enforcing officer may apply to the County Court or Circuit Court for the issuance of an inspection warrant to be served by an officer duly authorized by law to serve inspection warrants and make arrests for violations of this article. The inspection warrant shall issue in accordance with the requirements of the United States Supreme Court case of *Camara* v. *Municipal Court of the City and County of San Francisco,* 18 L. Ed. 2d 930, 87 S. Ct. 1727 (1967) and Florida Statutes, Sections 933.20—933.30 and shall authorized entry into and inspection of the premises described therein. Refusal to permit an inspection pursuant to an inspection warrant authorized by this section shall constitute a violation of this article and shall subject the violator to the penalties prescribed herein.

(Ord. No. 63-30, § 1.10, 7-16-63; Ord. No. 67-61, § 1, 8-8-67; Ord. No. 69-16, § 1, 2-18-69; Ord. No. 71-52, § 1, 6-15-71; Ord. No. 80-56, § 1, 6-17-80; Ord. No. 86-47, § 1, 6-17-86)

Sec. 17-11. Notice of violations.

Whenever the Minimum Housing Enforcement Officer or his assistant finds and determines that there has been a violation of the minimum housing standards established by this article, he shall give notice of such violation to the owner. Such notice shall be in writing, shall specify the violation and shall specify the time for compliance. Such notice shall specify that the violation must be corrected or a building permit for the work required to correct the violation must be obtained from the County or appropriate municipal building and zoning department having jurisdiction within the time specified in the notice and that final compliance must conform to the requirements of the South Florida Building Code. Such notice shall contain an outline of the remedial action which, if taken, will constitute compliance with the requirements of this article. Such notice shall inform the owner of the right to apply to the Hearing Officer for a hearing and review of matters within the notice as provided in Sections [17-17](../level3/PTIIICOOR_CH17HO_ARTIIMEMIDECOMIHOST.docx#PTIIICOOR_CH17HO_ARTIIMEMIDECOMIHOST_S17-17APACDEMIHOENOF) and [17-18a](../level3/PTIIICOOR_CH17HO_ARTIIMEMIDECOMIHOST.docx#PTIIICOOR_CH17HO_ARTIIMEMIDECOMIHOST_S17-18AHEOF) herein. Such notice shall also inform the owner that failure to comply will result in enforcement action as provided in [Section 17-15](../level3/PTIIICOOR_CH17HO_ARTIIMEMIDECOMIHOST.docx#PTIIICOOR_CH17HO_ARTIIMEMIDECOMIHOST_S17-15REENCOAGHIOBMIHOENOF) or [Chapter 8CC](../level2/PTIIICOOR_CH8CCCOEN.docx#PTIIICOOR_CH8CCCOEN) of this Code. Such notice shall be served upon the owner. Such notice shall be deemed to be properly served and binding upon the property involved if a copy is served by certified mail return receipt requested, addressed to the owner's last known address. If the owner cannot be served by certified mail, a copy of the notice shall be posted in a conspicuous place on the facilities or premises involved. Such notice shall state the date of posting.

(Ord. No. 63-30, § 1.11, 7-16-63; Ord. No. 65-32, § 3, 4-20-65; Ord. No. 88-15, § 1, 3-15-88; Ord. No. 07-148, § 1, 10-2-07)

Sec. 17-12. Notice as final order.

Any notice of violation provided for in [Section 17-10](../level3/PTIIICOOR_CH17HO_ARTIIMEMIDECOMIHOST.docx#PTIIICOOR_CH17HO_ARTIIMEMIDECOMIHOST_S17-10AUIN) hereof shall automatically become a final order in the event that no written appeal from the notice of violation is filed with the Hearing Officer within twenty (20) days after the date of service of the notice of violation.

(Ord. No. 63-30, § 1.12, 7-16-63; Ord. No. 65-32, § 3, 4-20-65; Ord. No. 71-52, § 2, 6-15-71; Ord. No. 80-57, § 1, 6-17-80; Ord. No. 07-148, § 2, 10-2-07)

Sec. 17-13. Recording of final order.

Whenever a notice of violation has become a final order, or whenever the violations specified in the notice have not been corrected within the time specified in the notice, the Minimum Housing Enforcement Officer shall file a copy of such final order or other appropriate instrument indicating that violations of the minimum housing standards established by this article exist upon the property involved, in the office of the Clerk of the Circuit Court of Miami-Dade County, Florida, who shall cause the same to be recorded among the public records of Miami-Dade County, in an appropriate book provided for such purpose. The recordation of such final order or other appropriate instrument as herein provided shall constitute constructive notice to any subsequent purchasers, transferees, grantees, mortgagors, mortgagees, lessees, lienors, and all persons having, claiming or acquiring any interest in the property described therein, or affected thereby. When the violations specified in the said final order shall have been corrected and all costs of enforcement as provided hereinafter are paid, the Minimum Housing Enforcement Officer shall have recorded a certificate certifying that the violations have been corrected and cancelling the final order. All such final orders shall contain the proper legal description of the property involved. The cost of recording the original final order and the certificate of cancellation shall also be recoverable as costs from the owner of record of the property prior to recording the certificate of cancellation. Any person acquiring any interest in or to property described in a final order after recordation thereof shall be bound by the provisions thereof, and shall take the property subject to the requirements set forth in the final order. All such persons acquiring an interest in or to property for which a final order has been recorded under this section shall comply with the requirements thereof, and shall be subject to all of the other provisions of this article. Provided, however, that if the time for appeal from the final order as provided in Sections [17-12](../level3/PTIIICOOR_CH17HO_ARTIIMEMIDECOMIHOST.docx#PTIIICOOR_CH17HO_ARTIIMEMIDECOMIHOST_S17-12NOFIOR) and [17-17](../level3/PTIIICOOR_CH17HO_ARTIIMEMIDECOMIHOST.docx#PTIIICOOR_CH17HO_ARTIIMEMIDECOMIHOST_S17-17APACDEMIHOENOF) has not run as of the time of conveyance, the new owner or transferee of an interest in or to property shall have twenty (20) days from the date upon which the transfer of property interest is effective as to him within which to appeal the final order to the Hearing Officer. If an appeal of the final order has been perfected but a final decision of the Hearing Officer has not been rendered, the new owner or transferee may exercise all of the rights of appeal which would have been accorded to the prior owner or transferor.

(Ord. No. 63-30, § 1.13, 7-16-63; Ord. No. 70-17, § 1, 3-11-70; Ord. No. 80-58, § 1, 6-17-80; Ord. No. 80-140, § 1, 12-16-80; Ord. No. 88-15, § 1, 3-15-88; Ord. No. 07-148, § 3, 10-2-07)

Sec. 17-14. Reserved.

**Editor's note—**

Ord. No. 88-15, § 1, adopted March 15, 1988, repealed [§ 17-14](../level3/PTIIICOOR_CH17HO_ARTIIMEMIDECOMIHOST.docx#PTIIICOOR_CH17HO_ARTIIMEMIDECOMIHOST_S17-14RE), which pertained to records and searches, as derived from Ord. No. 63-30, § 1.14, adopted July 16, 1963.

Sec. 17-15. Remedies for enforcement; consent agreements; hindering or obstructing Minimum Housing Enforcement Officer.

(a) It shall be unlawful for any person to fail to comply with the minimum housing standards established by this article, or to fail or refuse to comply with the requirements of any final order issued in accordance with the provisions of this article. Each day of continued violation shall be considered as a separate offense.

(b) If any person shall knowingly fail or refuse to obey or comply with, or willfully violates, any of the provisions of this article, or any lawful final order issued hereunder, such person, upon conviction of such offense, shall be punished by a fine not to exceed five hundred dollars ($500.00) or by imprisonment not to exceed sixty (60) days in the county jail, or both, in the discretion of the court.

(c) The provisions of this article and final orders issued in accordance with the provisions of this article may be enforced by mandatory injunction, or other appropriate civil action. The Minimum Housing Enforcement Officer may institute a civil action in a court of competent jurisdiction to impose and recover a civil penalty for each violation of any provisions of this article, or any lawful final order issued, in an amount of not more than five thousand dollars ($5,000.00) per offense. Each day during any portion of which such violation occurs constitutes a separate offense.

(d) The Minimum Housing Enforcement Officer or his assistant, may, in the Minimum Housing Enforcement Officer's or his assistant's discretion, terminate an investigation or an action commenced under the provisions of this article upon execution of a written consent agreement between the Minimum Housing Enforcement Officer or his assistant and the record owner of the land which is the subject of the investigation or action. The consent agreement shall provide written assurance of voluntary compliance with all the applicable provisions of this article by the record owner. The consent agreement shall provide the following: Repayment of costs to the County for investigation, enforcement, and litigation, including attorneys' fees; and remedial or corrective action. The consent agreement may, in the discretion of the Minimum Housing Enforcement Officer upon agreement of the owner, provide for compensatory damages, punitive damages and civil penalties. An executed written consent agreement shall neither be evidence of a violation of this article nor shall such agreement be deemed to impose limitations upon any investigation or action by the Minimum Housing Enforcement Officer or his assistant, in the enforcement of this article. The consent agreement shall not constitute a waiver of or limitation upon the enforcement of any federal, State or local laws and ordinances. Executed written consent agreements are hereby deemed to be lawful orders of the Minimum Housing Enforcement Officer or his assistant. Each violation of any of the terms and conditions of an executed written consent agreement shall constitute a separate offense under this article by the owner who executed the consent agreement, his respective officers, directors, agents, servants, employees and attorneys; and by those persons in active concert or participation with any of the foregoing persons and who receive actual notice of the consent agreement punishable in accordance with the provisions of [Section 17-15](../level3/PTIIICOOR_CH17HO_ARTIIMEMIDECOMIHOST.docx#PTIIICOOR_CH17HO_ARTIIMEMIDECOMIHOST_S17-15REENCOAGHIOBMIHOENOF) of this chapter and [Chapter 8CC](../level2/PTIIICOOR_CH8CCCOEN.docx#PTIIICOOR_CH8CCCOEN) of this Code. Each day during any portion of which each such violation occurs constitutes a separate offense under this article. Decisions and actions of the Minimum Housing Enforcement Officer or his assistant, pursuant to [Section 17-15](../level3/PTIIICOOR_CH17HO_ARTIIMEMIDECOMIHOST.docx#PTIIICOOR_CH17HO_ARTIIMEMIDECOMIHOST_S17-15REENCOAGHIOBMIHOENOF)(c) of this Code and written consent agreements executed thereunder, shall not be subject to appeal to or review by the Hearing Officer pursuant to [Section 17-17](../level3/PTIIICOOR_CH17HO_ARTIIMEMIDECOMIHOST.docx#PTIIICOOR_CH17HO_ARTIIMEMIDECOMIHOST_S17-17APACDEMIHOENOF) of the Code of Miami-Dade County, Florida.

(e) Any person who hinders, obstructs or resists the Minimum Housing Enforcement Officer or his assistant in the discharge of his duty as provided in this article, upon conviction thereof in the County Court, shall be punished by a fine not to exceed five hundred dollars ($500.00) or by imprisonment in the County Jail for not more than sixty (60) days, or by both such fine and imprisonment.

(Ord. No. 63-30, § 1.15, 7-16-63; Ord. No. 88-15, § 1, 3-15-88; Ord. No. 07-148, § 4, 10-2-07)

Sec. 17-16. Power to act in emergencies.

Whenever the Minimum Housing Enforcement Officer finds that a violation of the provisions of this article exists which requires immediate action to abate a direct and continuing hazard, or immediate danger to the health, safety or welfare of the occupants or the public, such officer may, without prior notice, issue an order or civil violation notice pursuant to [Chapter 8CC](../level2/PTIIICOOR_CH8CCCOEN.docx#PTIIICOOR_CH8CCCOEN) of this Code citing the violation and directing that such action be taken as may be necessary to remove or abate the hazard or danger. Notwithstanding any other provision of this article, such emergency order shall be effective immediately upon service and shall be complied with immediately, or as otherwise provided.

(Ord. No. 63-30, § 1.16, 7-16-63; Ord. No. 71-52, § 3, 6-15-71; Ord. No. 88-15, § 1, 3-15-88)

Sec. 17-17. Appeals from actions or decisions of Minimum Housing Enforcement Officer.

(a) Any person aggrieved by any action or decision of the Minimum Housing Enforcement Officer may appeal to the Clerk of the Courts by filing with the Clerk of the Courts within twenty (20) days after the date of the action or decision complained of, a written notice of appeals which shall set forth concisely the action or decision appealed from and the reasons or grounds for the appeal. This appeal provision shall not apply to any citation issued in accordance with [Chapter 8CC](../level2/PTIIICOOR_CH8CCCOEN.docx#PTIIICOOR_CH8CCCOEN). The Clerk shall set such appeal for hearing at the earliest possible date, and cause notice thereof to be given to the appellant and the Minimum Housing Enforcement Officer.

(b) The administrative hearing shall be open to the public. The proceedings at the hearing shall be recorded and may be transcribed at the expense of the person requesting the transcript.

(c) Any person who has been served with notice of violation shall elect either to pay the enforcement costs in the manner indicated on the notice, and correct the violation within the time specified on the notice (if applicable); or

(d) Request an administrative hearing before a Hearing Officer to appeal the decision of the Minimum Housing Enforcement Officer which resulted in the issuance of the notice of violation.

(e) Appeal by administrative hearing of the notice of violation shall be accomplished by filing a request in writing to the address indicated on the notice, no later than twenty (20) calendar days after the service of the notice, whichever is earlier.

(f) Upon receipt of a named property owner's timely request for an administrative hearing, the Clerk of the Court shall set the matter down for hearing on the next regularly scheduled hearing date or as soon thereafter as possible or as mandated in the specified Code Section which is enforced pursuant to this chapter.

(g) The Clerk of the Court shall send a notice of hearing by first class mail to the property owner at his last known address. The notice of hearing shall include but not be limited to the following:

(1) Name of the Minimum Housing Enforcement Officer who issued the notice.

(2) Factual description of alleged violation.

(3) Date of alleged violation.

(4) Section of the Code allegedly violated.

(5) Place, date and time of the hearing.

(6) Right of the property owner to be represented by a lawyer.

(7) Right of property owner to present witnesses and evidence.

(8) Notice that failure of property owner to attend hearing shall result in enforcement costs and administrative costs being assessed against him or her.

(9) Notice that requests for continuances will not be considered if not received by the Hearing Officer at least fifteen (15) calendar days prior to the date set for hearing.

(h) The Clerk of the Court shall schedule hearings upon the request of the appellant. No hearing shall be set sooner than twenty (20) calendar days from the date of service of the notice of violation.

(i) All testimony shall be under oath. Assuming proper notice, a hearing may proceed in the absence of the property owner.

(j) The Clerk of the Court shall provide clerical and administrative personnel as may be reasonably required by each Hearing Officer for the proper performance of his duties.

(k) Each case before a Hearing Officer shall be presented by the head of the enforcing agency or his designee.

(l) The hearing need not be conducted in accordance with the formal rules relating to evidence and witnesses. Any relevant evidence shall be admitted if the Hearing Officer finds it competent and reliable, regardless of the existence of any common law or statutory rule to the contrary.

(m) Each party shall have the right to call and examine witnesses; to introduce exhibits; to cross-examine opposing witnesses on any matter relevant to the issues even though that matter was not covered in the direct examination; to impeach any witness regardless of which party first called him to testify; and to rebut the evidence against him.

(n) The Hearing Officer shall make findings of fact based on evidence of record. The Hearing Officer shall make findings of fact immediately upon conclusion of the hearing. Once commenced, no hearing shall be deferred, however, the property owner shall have the option to request a reschedule of the hearing. A request to reschedule the hearing shall only be considered prior to the commencement of the testimony and presentation of evidence. In order to make a finding upholding the Minimum Housing Enforcement Officer's decision, the Hearing Officer must find that a preponderance of the evidence indicates that the property owner was responsible for the violation of the relevant Section of the Code as charged.

(o) If the property owner is found guilty of the violation, he shall pay the reasonable costs of the administrative hearing and the costs and expenses of the enforcing agency for investigation, enforcement, testing, or monitoring. The costs and expenses of the enforcing agency for investigation, enforcement, testing, or monitoring shall be calculated and submitted to the Hearing Officer, to be attached to the final order for amount owed, in standard format as prescribed by departmental administrative orders approved and amended from time to time by the Board of County Commissioners or the local municipal governing board. All costs of enforcement shall be paid within thirty (30) days of the date of the administrative hearing unless an alternate timeframe is established by the enforcing agency.

(p) The fact-finding determination of the Hearing Officer shall be limited to whether the violation alleged did occur and, if so, whether the person named in the civil violation notice can be held responsible for that violation. Based upon this fact-finding determination, the Hearing Officer shall either affirm or reverse the decision of the Minimum Housing Enforcement Officer as to the responsibility of the named property owner for the Code violation. If the Hearing Officer affirms the decision of the Minimum Housing Enforcement Officer, the Hearing Officer shall determine a reasonable time period within which correction of the violation must be made, provided however, that such time period shall be no more than thirty (30) days. If the Hearing Officer reverses the decision of the Minimum Housing Enforcement Officer and finds the named property owner not responsible for the Code violation alleged in the civil violation notice, the named property owner shall not be liable for the payment of any administrative costs, absent reversal of the Hearing Officer's findings. If the decision of the Hearing Officer is to affirm, then the following elements shall be included:

(1) Amount of enforcement costs of the enforcing agency.

(2) Administrative costs of hearing.

(3) Date by which the violation must be corrected to prevent imposition of continuing violation penalties (if applicable).

(q) The Hearing Officer shall have the power to:

(1) Adopt procedures for the conduct of hearings.

(2) Subpoena property owners and witnesses for hearings; subpoenas may be served by the Miami-Dade County Police Department or by the staff of the Hearing Officer.

(3) Subpoena evidence.

(4) Take testimony under oath.

(r) (1) A Hearing Officer shall postpone and shall not conduct a hearing if the named property owner, prior to the scheduled hearing date, files with a duly authorized County board of appropriate jurisdiction, an administrative appeal concerning the interpretation or application of any technical provisions of the Code Section allegedly violated. However, once an issue has been determined by a Hearing Officer in a specific case, that issue may not be further reviewed by a County board in that specific case. A named property owner waives his right to administrative appeal to other County boards if the property owner does not apply for such appeal prior to the property owner's administrative appeal hearing before the Hearing Officer.

(2) Upon exhaustion of a timely filed administrative appeal and finalization of the administrative order by such board, the Hearing Officer may exercise all powers given to him by this chapter. The Hearing Officer shall not, however, exercise any jurisdiction over such alleged Code violations until the time allowed for court appeal of the ruling of such board has lapsed or until such further appeal has been exhausted.

(3) The Hearing Officer shall be bound by the interpretations and decisions of duly authorized County boards concerning the provisions of the codes within their respective jurisdictions. In the event such a board decides that an alleged violation of the Code is not in accordance with such board's interpretation of the Code provision on which the violation is based, the Hearing Officer shall not be empowered to proceed with the enforcement of the violation.

(s) Any person aggrieved by any decision of the Hearing Officer on appeal taken to it, including, but not limited to, the Minimum Housing Enforcement Officer, may apply to the Circuit Court of Miami-Dade County for review by writ of certiorari in accordance with the applicable Florida Appellate Rules. For such purposes, the Clerk of the Court shall make available for public inspection and copying the record of each such decision to be reviewed; provided, such clerk may make a reasonable charge commensurate with the costs, in the event he/she is able to and does furnish copies of all or portions of such records. Prior to certifying a copy of any record or any portion thereof, the clerk, or designee, shall make all necessary corrections in order that the copy is a true and correct copy of the record, or those portions thereof requested, and shall make a charge of not more than actual copying costs per page, instrument, or exhibit; provided the charges here authorized are not intended to repeal or amend any fee or scheduled fees otherwise established.

(Ord. No. 63-30, § 1.17, 7-16-63; Ord. No. 65-32, § 3, 4-20-65; Ord. No. 65-37, § 1, 5-4-65; Ord. No. 73-13, § 1, 2-20-73; Ord. No. 73-48, § 1, 5-1-73; Ord. No. 95-31, § 1, 2-7-95; Ord. No. 07-148, § 5, 10-2-07)

Sec. 17-18. Reserved.

**Editor's note—**

Section 6 of Ord. No. 07-148, adopted Oct. 2, 2007, repealed [§ 17-18](../level3/PTIIICOOR_CH17HO_ARTIIMEMIDECOMIHOST.docx#PTIIICOOR_CH17HO_ARTIIMEMIDECOMIHOST_S17-18RE), which pertained to the minimum housing appeals board, and derived from Ord. No. 73-13, adopted Feb. 20, 1973; Ord. No. 73-47, adopted May 1, 1973; Ord. No. 73-48, adopted May 1, 1973; Ord. No. 76-27, adopted March 16, 1976; Ord. No. 80-59, adopted June 17, 1980; and Ord. No. 88-15, adopted March 15, 1988.

Sec. 17-18a. Hearing officer.

The Hearing Officer shall have the following duties, functions, powers and responsibilities:

(a) Hear and determine appeals from actions and decisions of the Minimum Housing Enforcement Officer in accordance with the provisions of this chapter.

(b) The Hearing Officer shall have the power and authority to hear and pass upon appeals from decisions of the Minimum Housing Enforcement Officer as provided in Sections [17-17](../level3/PTIIICOOR_CH17HO_ARTIIMEMIDECOMIHOST.docx#PTIIICOOR_CH17HO_ARTIIMEMIDECOMIHOST_S17-17APACDEMIHOENOF), [17-57](../level3/PTIIICOOR_CH17HO_ARTIIICIMIMIHOST.docx#PTIIICOOR_CH17HO_ARTIIICIMIMIHOST_S17-57APACDEMIHOENOF) and [Chapter 17A](../level2/PTIIICOOR_CH17AVASTSTMI.docx#PTIIICOOR_CH17AVASTSTMI) and [Chapter 17B](../level2/PTIIICOOR_CH17BMEMIDECODEUNSTOR.docx#PTIIICOOR_CH17BMEMIDECODEUNSTOR)

(Ord. No. 07-148, § 7, 10-2-07)

Sec. 17-19. Recovery of enforcement costs.

(a) The entire costs incurred by the Minimum Housing Enforcement Officer in enforcing the provisions of this article shall be paid by the owner, including but not limited to, the cost of enforcement inspections, preparation of enforcement reports, photographs, title searches, postage and other administrative costs for enforcement and collection. The owner of any multi-unit dwelling containing four (4) or more dwelling units, rooming units, or hotel/motel units or combination thereof which is subject to the registration certificate requirements of Section 17-20 of the Code of Metropolitan Miami-Dade County shall only be liable for enforcement costs levied and imposed pursuant to this section, if such enforcement costs collectible hereunder exceed the annual registration certificate fee special assessments collected for the building in which such dwelling is contained. The costs of enforcement shall be paid within thirty (30) days of the owner's receipt of Team Metro's bill itemizing the enforcement costs incurred in enforcing the provisions of this article.

(b) The Minimum Housing Enforcement Officer shall file among his records a fair and accurate statement of each item of expense with the date of execution of any action authorized by this article.

(c) Team Metro may institute a civil suit to recover such expenses against the property or may cause such expenses to be charged against the real property as a lien, upon recordation of an enforcement lien in the public records of Miami-Dade County, Florida. A lien will remain on the real property after recordation as provided herein until such costs are fully paid and discharged, or barred by law.

(d) Liens created pursuant to [Section 17-19](../level3/PTIIICOOR_CH17HO_ARTIIMEMIDECOMIHOST.docx#PTIIICOOR_CH17HO_ARTIIMEMIDECOMIHOST_S17-19REENCO)(c) may be discharged and satisfied by paying to the Team Metro the amount specified in the notice of lien, together with interest thereon from the date of the filing of the lien computed at the rate of eighteen (18) percent per annum, together with the administrative costs, filing and recording fees and fees paid to file a satisfaction of the lien in the public records. When any such lien has been discharged, Team Metro shall promptly cause evidence of the satisfaction and discharge of such lien to be recorded in the public records. Any person, firm, corporation or legal entity, other than the present owner of the property involved, who pays any such unsatisfied lien shall be entitled to receive an assignment of the lien held by the County and shall be subrogated to the rights of the County in respect to the enforcement of such lien, as permitted by law.

(Ord. No. 88-15, § 1, 3-15-88; Ord. No. 95-215, § 1, 12-5-95; Ord. No. 98-125, § 10, 9-3-98)

Secs. 17-20—17-22. Reserved.

Sec. 17-23. Minimum standards for basic equipment and facilities.

No person shall occupy, or let to another for occupancy, any dwelling or dwelling unit, for the purpose of living, sleeping, cooking, or eating therein which does not comply with the following requirements:

(1) Every dwelling unit shall contain not less than a kitchen sink, lavatory, tub or shower and water closet, all in good working condition and installed in accordance with the South Florida Building Code. Sink, lavatory, tub or shower shall be supplied with adequate hot and cold water.

(2) Every dwelling unit shall contain a room which affords privacy to a person within said room and which is equipped with a flush water closet and a lavatory basin in good working condition and properly connected to an approved water system and sewer system or an approved septic tank installation including an approved absorption bed. No privy shall be constructed or continued in operation after the effective date [[3]](#BK_869E6B1CE1AAAD4BF162FF6856377365) of this article.

(3) Every dwelling unit shall contain a room which affords privacy to a person within said room and which is equipped with a bathtub or shower in good working condition and properly connected to an approved water system and sewer system or an approved septic tank installation including an approved absorption bed.

(4) Every kitchen sink, lavatory basin, and bathtub or shower required under the provisions of this section shall be properly connected with both hot and cold water lines.

(5) Every dwelling shall have water heating facilities which are properly installed, maintained in safe and good working condition, and properly connected with the hot water lines required under the provisions of subsection (4) of this section and which are capable of heating water to such a temperature as to permit an adequate amount of water to be drawn at every required kitchen sink, lavatory basin, bathtub or shower.

(6) Every occupied dwelling unit shall be provided with an installed nonportable cooking facility which shall not be capable of being carried easily by one (1) person, and shall have at least two (2) top burners. Vacant dwelling units shall be provided with utility connections for such facility.

(7) Every dwelling unit shall have adequate garbage disposal facilities or garbage storage containers.

(8) Every dwelling structure and dwelling unit of types of construction I, II, III, IV and V as defined by Chapters 17, 18, 19, 20, 21 and 22 respectively of the South Florida Building Code shall have means of egress which conform to the standards of Chapter 31 of the South Florida Building Code and any applicable fire codes, fire regulations or ordinances now in existence or adopted subsequent hereto. Every dwelling structure of type of construction V, built before December 31, 1957, where the structural and other elements of the building consist primarily of wood, having one (1) or two (2) dwelling units above the ground floor, shall have a minimum of two (2) separate means of egress which are remote from each other or at least one (1) means of egress with stairs that are constructed of either noncombustible materials or made safe by approved fire resistive modifications as may be required. Each such means of egress shall be easily accessible from every dwelling unit on the specified floor without passing through any other dwelling unit. Every dwelling structure of type of construction V, where the structural and other elements consist primarily of wood having three (3) or more dwelling units shall have means of egress which conform with the provisions of the South Florida Building Code and any applicable fire codes, fire regulations or ordinances now in existence or adopted subsequent hereto.

(9) In every owner-occupied dwelling unit not intended to be let for occupancy containing space heating facilities, such facilities shall be properly installed and maintained in safe and good working condition as provided in the South Florida Building Code and any applicable fire regulations or ordinances now in existence or adopted subsequent hereto.

Every dwelling and dwelling unit which is let or intended to be let for occupancy shall have adequate space heating facilities which are properly installed and maintained in safe and good working condition as provided in the South Florida Building Code and any applicable fire regulations or ordinances now in existence or adopted subsequent hereto. Adequate heating facilities are hereby defined as follows:

(a) Permanent space heating equipment capable of heating two-thirds of the habitable rooms to a minimum air temperature of seventy (70) degrees Fahrenheit to be measured three (3) feet above floor when outside temperature is forty-five (45) degrees Fahrenheit, or permanent space heating equipment with capacity of five (5) Btu's per hour of input per cubic foot of habitable room space within two-thirds (2/3) of the habitable rooms.

(b) The five (5) Btu's per hour input standard is based on a heating unit with seventy (70) percent rating of input-to-output efficiency; an appropriate correction factor will be applied when the proposed heating unit exceeds an input-to-output efficiency rating of seventy (70) percent. Heating units supplied on the basis of this calculation will otherwise comply with the standards described elsewhere in this subsection.

(c) Permanent heating equipment is defined as heating equipment properly connected to a flue or vent or, if electric, properly installed and permanently connected to an adequately wired and sized branch circuit.

(d) Habitable room shall mean a room or enclosed floor space used or intended to be used for living, sleeping, cooking or eating purposes, excluding bathrooms, shower rooms, water closet compartments, laundries, pantries, foyers, connecting corridors, closets and storage spaces.

(e) Heating equipment shall be installed and maintained in accordance with the provisions of the South Florida Building Code.

(f) Any calculations necessary for the installation of permanent heating equipment to assure adequate heating capacity as defined in this subsection, shall be made in accordance with the standards established in the current edition of the "Heating Ventilating Air-Conditioning Guide," published by the American Society of Refrigeration, Heating and Air-Conditioning Engineers, Inc. (ASHRAE).

(g) Oil heaters, gas heaters, and wood-stoves must be connected to a properly installed vent, said vent conforming to the provisions of the South Florida Building Code.

(h) Electric heaters will be of a type readily fixed into position and must be properly installed and permanently connected to an adequately wired and sized branch-circuit.

(i) Any portable heating devices approved by the Underwriters' Laboratories, Inc., or a properly installed fireplace may be used as an accessory heating unit.

(j) Accessory heating units will be deemed to be supplementary to the permanent-heating equipment and shall not be considered when calculating the adequacy of the permanently installed heating equipment except as specified in subsection (9)(m).

(k) Only those accessory heating units which are acceptable under the provisions of the City of Miami and Miami-Dade County Fire Code, the Florida State Hotel and Restaurant Commission regulations, and other regularly adopted regulations will be used.

(l) The use of unsafe heaters or cooking stoves and the use of cooking stoves, including ovens, for heating purposes is hereby prohibited.

(m) The requirements of subsection (9) shall not apply to dwelling units in existence on March 17, 1969, provided that either a gas pipe outlet or an electrical outlet and circuit are present for the use of gas space heaters or portable electrical space heaters.

(Ord. No. 63-30, § 2.01, 7-16-63; Ord. No. 67-14, §§ 1—3, 3-7-67; Ord. No. 67-66, §§ 1—3, 9-6-67; Ord. No. 68-78, § 1, 12-17-68; Ord. No. 71-24, § 1, 3-4-71; Ord. No. 71-52, § 4, 6-15-71; Ord. No. 74-44, § 2, 6-18-74)

Sec. 17-24. Minimum standards for light and ventilation.

No person shall occupy, or let to another for occupancy, any dwelling or dwelling unit for the purpose of living, sleeping, cooking, or eating therein, which does not comply with the following requirements:

(1) (a)  
Every habitable room shall have at least one (1) window or skylight facing directly to the outdoors. The minimum total window area which provides light to each habitable room shall be not less than ten (10) percent of the floor area of such room. Whenever exterior walls or other light-obstructing structures are located less than three (3) feet from the window and extend above the ceiling of the room, such a window shall not be deemed to face directly to the outdoors and shall not be included in the required minimum total window area. Whenever the only window in a room is a skylight-type window located in the top of such room, the minimum total window area of such skylight shall not be less than fifteen (15) percent of the total floor area of the room. Skylights shall not be a substitute for the window requirements in sleeping rooms.

(b) Kitchens and dining rooms will be exempt from the requirements of subsection (1)(a) of this section, providing they meet the requirements in subsections (2) and (6) of this section.

(c) If any two (2) habitable rooms, excluding sleeping rooms, are separated by a common wall and either room lacks the required window area, but meets all three (3) exceptions listed below, such rooms shall be considered in compliance with this subsection:

(i) The common wall separating the two (2) rooms must provide an opening equal to twenty-five (25) percent of the total wall area.

(ii) If the opening so provided is a doorway, it must be unobstructed and have a minimum width of thirty (30) inches.

(iii) One (1) of the two (2) rooms must provide the required light and ventilation for the total combined floor area of the two (2) rooms.

(2) Every habitable room shall be ventilated by openable areas equal to fifty (50) percent of the required minimum window area, as set forth in subsection (1) of this section or by equivalent mechanical ventilation as approved by the inspecting officer.

(3) Every bathroom, shower room and water closet compartment shall comply with the light and ventilation requirements for habitable rooms contained in subsections (1) and (2) of this section, except that no window or skylight shall be required in adequately ventilated bathrooms, shower rooms and water closet compartments equipped with an approved mechanical ventilating system which automatically becomes operational when the bathroom switch is turned on.

(4) Every door, window or other device opening to outdoor space and used or intended to be used for ventilation shall be provided with an approved type of screen for protection against mosquitoes, flies and other insects.

(5) Every opening beneath a dwelling, including basement or cellar windows and crawl space, shall be equipped with an approved type of screening or lattice work to keep out large animals.

(6) Every habitable room of a dwelling shall contain at least two (2) separate floor or wall-type electrical convenience outlets, or one (1) such convenience outlet and one (1) ceiling-type electric light fixture. Every bathroom, shower room, water closet, compartment and laundry room shall contain at least one (1) properly installed ceiling or wall-type electric light fixture. The switches shall be so located and installed as to avoid the danger of electrical shock.

(7) Every hall and stairway located in a structure used for human habitation shall be provided with not less than one (1) footcandle of natural light throughout or with properly installed electric lighting facilities which provide not less than one (1) foot-candle of illumination throughout and which are controlled by the occupants of the structure and available at all times.

(Ord. No. 63-30, § 2.02, 7-16-63; Ord. No. 67-14, §§ 4, 5, 3-7-67; Ord. No. 74-11, § 2, 3-20-74; Ord. No. 78-7, § 1, 2-21-78)

Sec. 17-25. Requirements relating to the safe and sanitary maintenance of dwellings and dwelling units.

No person shall occupy, or let to another for occupancy, any dwelling or dwelling unit, for the purpose of living, sleeping, cooking, or eating therein, which does not comply with the following requirements:

(1) All foundation walls shall be structurally sound, reasonably rodentproof, and maintained in good repair. Foundation walls shall be considered to be sound if they are capable of bearing imposed loads and are not deteriorated.

(2) Every dwelling unit shall be reasonably weathertight, watertight and rodentproof. Floors, walls, ceilings and roofs shall be capable of affording adequate shelter and privacy and shall be kept in good repair. Windows and exterior doors shall be reasonably weathertight, watertight, and rodentproof, and shall be maintained in good working condition. All parts of the structure that show evidence of rot or other deterioration shall be repaired or replaced.

(3) Every inside and outside stairway, porch, and every appurtenance thereto, shall be maintained in a safe condition and be capable of supporting loads which normal use may impose.

(4) Every chimney and smoke pipe, and all flue and vent attachments thereto, shall be maintained in such condition that there will be no leakage or backing up of smoke and noxious gases into the dwelling.

(5) All exterior surfaces subject to deterioration shall be properly maintained and protected from the elements by paint or other approved protective coating applied in a workmanlike fashion.

(6) Every plumbing fixture, water pipe, waste pipe and drain shall be maintained in good sanitary working condition, free from defects, leaks and obstructions.

(7) The floor surface of every water closet compartment, bathroom and shower room shall be maintained so as to be reasonably impervious to water and so as to permit such floor to be easily kept in a clean and sanitary condition.

(8) Every supplied facility, piece of equipment, or utility required in this code shall be maintained in a safe and satisfactory working condition. No owner or occupant shall cause any service, facility, equipment, or utility required in this code to be removed from or discontinued for any occupied dwelling or dwelling unit except for such temporary interruption as may be necessary while actual repairs, replacement, or alterations are in process.

(9) For these purposes, every owner of a building containing three (3), or more, dwelling units, shall provide the continuing services of a person or persons solely to assure that the minimum requirements of maintenance and sanitation, as provided by this article, are maintained on the premises at all times. The landlord shall provide the tenant with the name, address, and phone number of the person or persons providing the continuing services. Said notice shall be given to the tenant by either posting the notice in a conspicuous place at the building site or by supplying the tenant with the information at the inception of the lease. The landlord is further charged with informing the tenant of any change of name, address, or phone number of the person or persons providing the continuing service.

(Ord. No. 63-30, § 2.03, 7-16-63; Ord. No. 73-36, § 1, 4-3-73)

Sec. 17-26. Minimum space, use and location requirements.

No person shall occupy, or let to another for occupancy, any dwelling or dwelling unit for the purpose of living therein, which does not comply with the following requirements:

(1) Every dwelling unit shall contain a minimum gross floor area of at least one hundred fifty (150) square feet for the first occupant, one hundred (100) square feet for each of the next two (2) occupants, and at least seventy-five (75) square feet for each occupant thereafter. Floor space shall be calculated on the basis of total habitable room area.

(2) In every dwelling unit of two (2) or more habitable rooms, every room occupied for sleeping purposes by one (1) occupant shall have a minimum gross floor area of at least eighty (80) square feet. Every room occupied for sleeping purposes by more than one (1) occupant shall have a minimum gross floor area of fifty (50) square feet per occupant. Every room used for sleeping purposes shall have a minimum width of eight (8) feet. Kitchens shall not be used for sleeping purposes. Porches shall not be used as permanent sleeping quarters.

(3) At least one-half of the floor area of every habitable room shall have a ceiling height of at least seven (7) feet. Any portion of a room having a ceiling height of less than five (5) feet shall not be considered in computing the total floor area of such room.

(4) No dwelling or dwelling unit containing two (2) or more sleeping rooms shall be so arranged that access to a bathroom, shower room, or water closet compartment intended for use by occupants of more than one (1) sleeping room can be had only by going through another sleeping room or outside the structure, nor shall room arrangements be such that access to a sleeping room can be had only by going through another sleeping room, bathroom, shower room, or water closet compartment.

(5) No cellar or basement space shall be used as a habitable room or dwelling unit.

(Ord. No. 63-30, § 2.04, 7-16-63)

Sec. 17-27. Responsibilities of owners and occupants.

No person shall occupy, or let to another for occupancy, any dwelling or dwelling unit for the purpose of living therein, which does not comply with the following requirements:

(1) Every dwelling unit shall be clean, sanitary and fit for human habitation.

(2) Every occupant of a dwelling or dwelling unit shall keep in a clean and sanitary condition that part of the dwelling, dwelling unit and premises thereof which he occupies and controls, including yards, lawns, courts and driveways.

(3) Every owner of a building containing three (3) or more dwelling units shall be responsible for maintaining in a clean and sanitary condition the shared or public areas of the dwelling and premises thereof.

(4) Exterior premises shall be kept free from the excessive growth of weeds, grass and other flora. The term "excessive" shall be interpreted as detrimental to the health, safety, or welfare of the occupants or the public.

(5) Every occupant of a dwelling unit shall keep all plumbing fixtures, sanitary facilities, appliances and equipment therein in a clean and sanitary condition and shall exercise reasonable care in the proper use and operation thereof.

(6) Every occupant of a dwelling or dwelling unit shall dispose of rubbish, garbage and other waste materials in an approved sanitary manner. Garbage shall be placed in the garbage disposal facilities of storage containers required in [Section 17-23](../level3/PTIIICOOR_CH17HO_ARTIIMEMIDECOMIHOST.docx#PTIIICOOR_CH17HO_ARTIIMEMIDECOMIHOST_S17-23MISTBAEQFA)(7).

(7) Every occupant of a dwelling containing a single dwelling unit shall be responsible for the extermination of any insects, rodents, vermin, or other pests therein or on the premises. Every occupant of a dwelling unit in a building containing more than one (1) dwelling unit shall be responsible for such extermination whenever his dwelling unit is the only one (1) infested, except that whenever such infestation is caused by the failure of the owner to carry out the provisions of this article, extermination shall be the responsibility of the owner.

(8) Every owner of a dwelling or dwelling unit shall, before renting or sub-letting to another occupant, provide approved door and window screens whenever such screens are required under the provisions of this article and shall repair or replace them when necessary.

(9) Every owner of a dwelling shall grade and maintain the exterior premises so as to prevent the accumulation of stagnant water thereon.

(10) Animals and pets shall not be kept in any dwelling or dwelling unit or on any premises in such a manner as to create insanitary conditions or constitute a nuisance.

(11) Every owner of a building containing three (3) or more dwelling units shall provide the continuing services of a person or persons solely to assure that the minimum requirements of maintenance and sanitation, as provided by this article, are maintained on the premises at all times. The landlord shall provide the tenant with the name, address, and phone number of the person or persons providing the continuing service. Said notice shall be given to the tenant by either posting the notice in a conspicuous place at the building site or by supplying the tenant with the information at the inception of the lease. The landlord is further charged with informing the tenant of any change of name, address, or phone number of the person or persons providing the continuing service.

(Ord. No. 63-30, § 2.05, 7-16-63; Ord. No. 71-52, § 4, 6-15-71; Ord. No. 73-36, § 3, 4-3-73)

Sec. 17-28. Maintenance of nondwelling structures and fences.

Every accessory structure used for nondwelling purposes such as a garage, car port, cabana, storage building, etc., and every fence shall comply with the following requirements:

(1) Every foundation, exterior and interior wall, roof, floor, ceiling, window and exterior door shall be structurally sound and maintained in good repair.

(2) Every accessory structure shall be kept in a reasonably clean and sanitary condition free from rodents, insects, and vermin.

(3) The roof of every accessory structure shall be well drained of rain water.

(4) All exterior surfaces subject to deterioration shall be properly maintained and protected from the elements by paint or other approved protective coating, applied in a workmanlike fashion.

(5) Every plumbing fixture, water pipe, waste pipe and drain shall be maintained in good sanitary working condition, free from defects, leaks and obstructions.

(Ord. No. 63-30, § 2.06, 7-16-63)

Sec. 17-29. Minimum standards for hotels and rooming houses.

No person shall operate a hotel or rooming house, or shall occupy or let to another for occupancy, any hotel unit or rooming unit which does not meet with all of the other standards of this code, except as provided by the following requirements:

(1) No person shall operate a hotel or rooming house unless he has complied with all of the licensing and permit requirements of Metropolitan Miami-Dade County.

(2) Every room occupied for sleeping purposes by one (1) person shall contain at least seventy (70) square feet of floor space and every room occupied for sleeping purposes by more than one (1) person shall contain at least fifty (50) square feet of floor space for each occupant thereof. Every room occupied for sleeping purposes shall have a minimum width of eight (8) feet and an average floor to ceiling height of seven (7) feet.

(3) At least one (1) flush water closet, lavatory basin and bathtub or shower, properly connected to an approved water system and sewer system or an approved septic tank installation and absorption bed, and in good working condition, shall be supplied for each six (6) persons or fraction thereof residing within a hotel or rooming house, including members of the operator's family whenever they share the use of said facilities. In a hotel or rooming house where rooms are let only to males, flush urinals may be substituted for not more than one-half the required number of water closets. All water closets, urinals, bathtubs, or showers shall be located within a room or rooms which afford privacy to the user and are not more than one (1) story removed from the hotel or rooming unit of any occupant intended to share the facilities. All such facilities shall be so located within the hotel or rooming house as to be accessible to the occupants of each hotel or rooming unit sharing such facilities without going outside of the building or without going through a dwelling, hotel, or rooming unit of another occupant. Every lavatory basin, bathtub or shower shall be supplied with hot and cold water at all times.

(4) No cellar or basement space shall be used as a habitable room or as a hotel or rooming unit.

(5) The operator of every hotel or rooming house shall change supplied bed linen and towels at least once each week and prior to the letting of any room to any occupant. The operator shall be responsible for maintaining all supplied bedding in a clean and sanitary manner.

(6) The operator of every hotel or rooming house shall be responsible for the sanitary maintenance of all walls, floors, ceilings and other parts, and further, he shall be responsible for the sanitary maintenance of the entire premises where all of the building is under the control of such operator.

(7) Every window of every hotel or rooming unit shall be supplied with shades, draw drapes, or other devices or materials which, when properly used, will afford privacy to the occupant of the hotel or rooming unit. No cooking shall be permitted in hotel and rooming units which are not equipped with approved kitchen facilities and do not meet minimum dwelling unit standards.

(8) Every hotel or rooming structure and hotel or rooming unit of types of construction I, II, III, IV and V as defined by Chapters 17, 18, 19, 20, 21 and 22 respectively of the South Florida Building Code shall have means of egress which conform to the standards of Chapter 31 of the South Florida Building Code and any applicable fire codes, fire regulations or ordinances now in existence or adopted subsequent hereto. Every hotel or rooming structure of type of construction V, built before December 31, 1957 where the structural and other elements of the building consist primarily of wood, having one (1) or two (2) hotel or rooming units above the ground floor, shall have a minimum of two (2) separate means of egress which are remote from each other or at least one (1) means of egress with stairs that are constructed of either noncombustible materials or made safe by approved fire resistive modifications as may be required. Each such means of egress shall be easily accessible from every hotel or rooming unit on the specified floor without passing through any other hotel, rooming, or dwelling unit. Every hotel or rooming structure of type of construction V, where the structural and other elements consist primarily of wood having three (3) or more hotel, rooming or dwelling units, shall have means of egress which conform with the provisions of the South Florida Building Code and any applicable fire code, fire regulations or ordinances now in existence or adopted subsequent hereto.

(9) The operator of every hotel or rooming house shall be responsible for keeping the premises free from the accumulation of rubbish at all times.

(10) The operator of every hotel or rooming house shall be responsible for the prompt and sanitary disposal of all garbage through the use of approved mechanical equipment or by placing it in the required containers.

(11) The operator of every hotel or rooming house shall be responsible for providing and hanging all window and door screens.

(12) The operator of every hotel or rooming house shall be responsible for the extermination of any insects, rodents, vermin, or other pests therein and shall be further responsible for such extermination on the entire premises where all of the building within which the hotel or rooming house is contained is leased or rented by the operator. Whenever infestation is caused by failure of the owner to maintain the building in a reasonably insectproof or ratproof condition, extermination shall be the responsibility of the owner.

(13) It shall be the duty of the operator of every hotel or rooming house to report to the Miami-Dade County Health Department within twenty-four (24) hours the name of any person living in the hotel or rooming house who is believed to be afflicted with any communicable disease.

(14) No owner shall let for occupancy any rooming unit or hotel unit that is not provided with adequate heating facilities of an approved type properly installed and maintained in safe and good working condition as provided in the South Florida Building Code and any applicable fire regulations or ordinances now in existence or adopted subsequent hereto. Adequate heating facilities are hereby defined as follows:

(a) Permanent space heating equipment capable of heating two-thirds of the habitable rooms to a minimum air temperature of seventy (70) degrees Fahrenheit to be measured three (3) feet above floor when outside temperature is forty-five (45) degrees Fahrenheit, or permanent space heating equipment with capacity of five (5) Btu's per hour of input per cubic foot of habitable room space within two-thirds of the habitable rooms.

(b) The five (5) Btu's per hour input standard is based on a heating unit with seventy (70) percent rating of input-to-output efficiency, an appropriate correction factor will be applied when the proposed heating unit exceeds an input-to-output efficiency rating of seventy (70) percent. Heating units supplied on the basis of this calculation will otherwise comply with the standards described elsewhere in this subsection.

(c) Permanent heating equipment is defined as heating equipment properly connected to a flue or vent or, if electric, properly installed and permanently connected to an adequately wired and sized branch circuit.

(d) Habitable room shall mean a room or enclosed floor space used or intended to be used for living or sleeping purposes, excluding bathrooms, shower rooms, water closet compartments, laundries, pantries, foyers, connecting corridors, closets and storage spaces.

(e) Heating equipment shall be installed and maintained in accordance with the provisions of the South Florida Building Code.

(f) Any calculations necessary for the installation of permanent heating equipment to assure adequate heating capacity as defined in this section shall be made in accordance with the standards established in the current edition of the "Heating Ventilating Air-Conditioning Guide," published by the American Society of Heating, Refrigeration and Air-Conditioning Engineers, Inc. (ASHRAE).

(g) Oil heaters, gas heaters, and wood-stoves must be connected to a properly installed vent, said vent conforming to the provisions of the South Florida Building Code.

(h) Electric heaters will be of a type readily fixed into position and must be properly installed and permanently connected to an adequately wired and sized branch-circuit.

(i) Any portable heating device approved by the Underwriters' Laboratories, Inc., or a properly installed fireplace may be used as an accessory heating unit.

(j) Accessory heating units will be deemed to be supplementary to the permanent-heating equipment and shall not be considered when calculating the adequacy of the permanently installed heating equipment except as specified in subsection (14)(m).

(k) Only those accessory heating units which are acceptable under the provisions of the City of Miami and Miami-Dade County Fire Code, the Florida State Hotel and Restaurant Commission regulations, and other regularly adopted regulations will be used.

(l) The use of unsafe heaters or cooking stoves and the use of cooking stoves, including ovens, for heating purposes is hereby prohibited.

(m) The requirements of subsection (14) shall not apply to units or hotel units in existence on March 17, 1969, provided that either a gas pipe outlet or an electrical outlet and circuit are present for the use of gas space heaters or portable electrical space heaters.

(Ord. No. 63-30, § 2.07, 7-16-63; Ord. No. 68-78, § 2, 12-17-68; Ord. No. 71-24, § 2, 3-4-71; Ord. No. 74-44, § 3, 6-18-74)

Sec. 17-30. Designation of dwellings, hotels and rooming houses, unfit for human habitation and procedures for placarding.

The designation of dwellings, dwelling units, hotels and rooming houses as unfit for human habitation and the procedure for placarding as unfit for human habitation of such unfit dwellings, dwelling units, hotels and rooming houses shall be carried out in compliance with the following requirements: Any dwelling, dwelling unit, hotel, hotel unit, rooming house or rooming unit which shall be found to have any of the following defects, shall be designated by the Minimum Housing Enforcement Officer or his assistant as unfit for human habitation and shall be so placarded.

(a) One (1) which is so damaged, decayed, dilapidated, unsanitary, unsafe, or vermin infested that it creates a serious hazard to the health or safety of the occupants or of the public.

(b) One (1) which lacks illumination, ventilation or sanitation facilities adequate to protect the health or safety of the occupants or of the public.

(c) One (1) which because of its general condition or location is unsanitary or otherwise dangerous to the health or safety of the occupants or of the public.

Any dwelling, dwelling unit, hotel, hotel unit, rooming house or rooming unit declared unfit for human habitation by the Minimum Housing Enforcement Officer or his assistant shall be so designated by posting a placard in a conspicuous place on the structure.

A dwelling, dwelling unit, hotel, hotel unit, rooming house or rooming unit deemed to be unfit for human habitation and placarded as such by the Minimum Housing Enforcement Officer or his assistant shall be vacated within thirty (30) days of placarding as ordered by Team Metro and shall not be used for human habitation again until written approval is secured from, and the placard removed by Team Metro. Team Metro shall order the removal of the placard whenever the defect or defects upon which the placarding actions were based have been eliminated.

No person shall deface or remove the placard from any dwelling, dwelling unit, hotel, hotel unit, rooming house or rooming unit which has been deemed to be unfit for human habitation and placarded as such by the Minimum Housing Enforcement Officer or his assistant, except as provided in the foregoing subsection.

Any person whose property has been placarded as unfit for human habitation may request and shall be granted a hearing on the matter before the Hearing Officer.

Where the Minimum Housing Enforcement Officer or his assistant determines that a building is an unsafe building within the provisions of Section 202 of the South Florida Building Code, he shall immediately report the matter to the Building Official.

(Ord. No. 63-30, § 2.08, 7-16-63; Ord. No. 65-32, § 4, 4-20-65; Ord. No. 88-15, § 1, 3-15-88; Ord. No. 95-215, § 1, 12-5-95; Ord. No. 98-125, § 10, 9-3-98; Ord. No. 07-148, § 8, 10-2-07)

Sec. 17-30.1. Exceptions.

The provisions of this article shall not be applicable to migrant labor camps, as defined by Section 381.422, Florida Statutes, or to tourist or trailer camps, as defined by Section 513.01, Florida Statutes, which hold valid, current licenses issued by the Florida State Board of Health. The provisions of this article shall not be applicable to temporary housing, as defined in [Section 17-6](../level3/PTIIICOOR_CH17HO_ARTIIMEMIDECOMIHOST.docx#PTIIICOOR_CH17HO_ARTIIMEMIDECOMIHOST_S17-6DE)(24) of this article, or to temporary housing utilized for dwelling purposes in times of local emergency, disaster, or urgent necessity, as determined by the Hearing Officer. The provisions of this article shall be applicable to all other dwellings, housing and buildings used or intended for use for human habitation.

(Ord. No. 63-33, § 1, 8-27-63; Ord. No. 07-148, § 9, 10-2-07)

Sec. 17-31. Judicial review.

Any person or persons, jointly or severally, aggrieved by any final action taken or final decision rendered pursuant to the provisions of this article, may seek to have such action or decisions reviewed by the Circuit Court of Miami-Dade County by petition for certiorari in the manner prescribed by the rules of court, provided such person or persons shall have first exhausted the administrative remedies provided for herein.

(Ord. No. 63-30, § 3.01, 7-16-63)

Sec. 17-32. Repeal clause.

This article is intended and shall be construed as constituting minimum standards for all governmental units in the County in respect to minimum housing standards, in accordance with the provisions of Section 1.01A(18) of the Home Rule Charter of Government for Miami-Dade County, Florida. To the extent of the minimum housing standards herein provided, all County and municipal ordinances, County and municipal resolutions, municipal charters, special laws applying only to Miami-Dade County or any general law which the County Commission is authorized by the Constitution to supersede, nullify or amend, and any part of any such ordinance, resolution, charter, or law in conflict with or inconsistent with the minimum housing standards herein established are hereby repealed and superseded.

(Ord. No. 63-30, § 3.03, 7-16-63)

Sec. 17-33. Housing cost impact analysis.

Prior to the adoption of any ordinance, policy, regulation, or plan provision that will or is likely to affect the cost of housing, the County Manager shall prepare an impact analysis in the form of a written report setting forth the following information concerning the proposed ordinance, policy, regulation, or plan provision;

a. The purpose of the proposed action and the anticipated direct and indirect benefits and costs to the parties impacted;

b. The best estimate of the direct or indirect increased cost, if any, on the per unit cost of housing types affected;

c. The effect of the proposed action on public or private employment;

d. Whether the proposed action is necessary to enable the County to obtain state or federal grants or other financing, or is legally mandated;

e. Whether another action could serve the same purpose at less cost to housing; and

f. If the proposed action is deemed necessary, what actions could be taken to mitigate the cost increase to the home buyer.

(Ord. No. 99-09, § 1, 1-21-99)

Sec. 17-34. Mechanism to mitigate cost increases.

The County Manager, with input from the Director of the Miami-Dade Housing Agency, shall establish an appropriate mechanism to assess the impact of any proposed ordinance, policy, regulation or plan provision as well as establish an appropriate mechanism for determining how to best mitigate any related cost increases to home buyers.

(Ord. No. 99-09, § 2, 1-21-99)

Secs. 17-35—17-40. Reserved.

FOOTNOTE(S):

--- (**2**) ---

**Editor's note—** Ord. No. 63-30, from which this article is derived was adopted on July 16, 1963, effective thirty (30) days after enactment. [(Back)](#BK_1EFFB232C5D4646E623DBBC94483FFE0)

--- (**3**) ---

**Editor's note—** Ord. No. 63-30, from which this article is derived, was adopted on July 16, 1963, effective thirty (30) days thereafter. [(Back)](#BK_7BAF26FC2C9EE660F151F0CF5E93BA8A)

### ARTICLE III. CITY OF MIAMI MINIMUM HOUSING STANDARDS [[4]](#BK_F5AE022C0E41D83BCC6A99A90699C0C2)

[Sec. 17-41. Short title.](#BK_FD70362180629F67BFDAAE2C88E5BBDD)

[Sec. 17-42. Legislative findings.](#BK_AA6A717936388A43BC78BA131ACF0E80)

[Sec. 17-43. Legislative intent.](#BK_A7055F1EEB35D78A236C0624BA00419F)

[Sec. 17-44. Construction and applicability.](#BK_51683509061AEC1A883B95C43E1CD340)

[Sec. 17-45. Existing remedies preserved.](#BK_002D8BD909D5BC281FEA897175598BE0)

[Sec. 17-46. Definitions.](#BK_6AFC40E31EC70F34F93D9E00D881897C)

[Sec. 17-47. Minimum Housing Enforcement Officer—Appointment; term; exempt from classified service; salary.](#BK_3F8D5DF367021981478CE3F5D71989DA)

[Sec. 17-48. Same—Duties and powers.](#BK_33C405A88B25160E7D99700953861B9A)

[Sec. 17-49. Same—Identification of Minimum Housing Enforcement Officer; conflict of interest.](#BK_26BCE3CBDE358C46127FDCE86DC404F1)

[Sec. 17-50. Authorized inspections.](#BK_76B7ABA3ABFC89A316701F7E83244A7C)

[Sec. 17-51. Notice of violations.](#BK_BFA137AD70EC9DF40759EB2F2BA80CAB)

[Sec. 17-52. Notice as final order.](#BK_5B8C88957D78CE857D5AA55B34247D78)

[Sec. 17-53. Recording of final order.](#BK_DB7FE485387E2240E16D040E23297346)

[Sec. 17-54. Reserved.](#BK_C2BACA4DD867BED1AD0685669498C7F9)

[Sec. 17-55. Remedies for enforcement consent agreements; hindering or obstructing Minimum Housing Enforcement Officer.](#BK_508349E00C0184459A25EF70AF4E4AD5)

[Sec. 17-56. Power to act in emergencies.](#BK_122AAD985AE9F4A30DB274B7A7523E51)

[Sec. 17-57. Appeals from actions or decisions of Minimum Housing Enforcement Officer.](#BK_45D1C7438E33B8784EC67EEA6D3FCAE0)

[Sec. 17-58. Hearing Officer's additional duties in City of Miami.](#BK_2A52A0955320F74A4D7A19B3BABB393C)

[Sec. 17-58.1. Recovery of enforcement costs.](#BK_A53C6A136AC269737006F9A974E1098E)

[Sec. 17-59. Minimum standards for basic equipment and facilities.](#BK_8EA671FBA1111C992F4CB6AC92EA5F9B)

[Sec. 17-60. Minimum standards for light and ventilation.](#BK_3C14D060649BDF96CEF49DDFF40E53A8)

[Sec. 17-61. Requirements relating to the safe and sanitary maintenance of dwellings and dwelling units.](#BK_4212030F6EDBEA1A5FBCB9EFC7B6AD94)

[Sec. 17-62. Minimum space, use and location requirements.](#BK_770F00DA7224F27B43C9C67E937D738E)

[Sec. 17-63. Responsibilities of owners and occupants.](#BK_CA7E33CE8F926367A5D4BDB7D685B362)

[Sec. 17-64. Maintenance of nondwelling structures and fences.](#BK_4CFAA1AB3477CBEFBD739AAB8D565D56)

[Sec. 17-65. Minimum standards for hotels and rooming houses.](#BK_37CBD7CE88B7B545F07CCF748E484DE6)

[Sec. 17-66. Designation of dwellings, hotels and rooming houses as unfit for human habitation and procedures for placarding.](#BK_C8D31F87F273EF404D51080E4CD73264)

[Sec. 17-67. Exceptions.](#BK_3FC7862C21C0031A1812D1C66E3E8C46)

[Sec. 17-68. Judicial review.](#BK_89D1E870EBB76B1FD392BC4134ABA684)

[Sec. 17-69. Repeal clause.](#BK_12FF579D204AE050E6A023E39A985F10)

[Sec. 17-70. Reserved.](#BK_9EF448C5A07760AD936B4496F455124A)

Sec. 17-41. Short title.

This article, enacted under and pursuant to the provisions of the Home Rule Charter of Government for Miami-Dade County, Florida, shall be known and may be cited as the "Metropolitan Miami-Dade County Minimum Housing Standards Ordinance for the City of Miami."

(Ord. No. 68-14, § 2, 3-5-68)

Sec. 17-42. Legislative findings.

The County Commission hereby finds and declares that there presently exist in the City of Miami, Florida, structures used for human habitation which are, or may become in the future, substandard with respect to structure, equipment or maintenance. Further, that such conditions, together with inadequate provisions for light and air, insufficient protection against fire hazards, lack of proper ventilation for heating and cooling, unsanitary conditions, and overcrowding, constitute a menace to the health, safety, morals, welfare, and reasonable comfort of the citizens and visitors of this municipality. It is further found and declared that the existence of such conditions, factors, or characteristics, if not remedied, will create slum areas requiring large scale clearance, and further that, in the absence of corrective measures, such areas will experience a deterioration of social values, a curtailment of investment and tax revenues, and impairment of economic values. It is further found and declared that the establishment and maintenance of minimum housing standards are essential to the prevention of blight and decay, and the safeguarding of public health, safety, morals and welfare.

(Ord. No. 68-14, § 3, 3-5-68)

Sec. 17-43. Legislative intent.

The intent and purpose of this article is to protect the public health, safety, morals and welfare of all the people of the City of Miami, Florida, by establishing minimum standards governing the condition, occupancy, and maintenance of dwellings, dwelling units, rooming houses, rooming units and premises; establishing minimum standards governing utilities, facilities, and other physical components and conditions essential to make dwellings, dwelling units, rooming houses, rooming units, and premises safe, sanitary, and fit for human habitation; fixing certain responsibilities and duties of owners, operators, agents, and occupants of dwellings, and dwelling units, rooming houses, and rooming units; authorizing and establishing procedures for the inspection of dwellings, dwelling units, rooming houses, and rooming units, and the condemnation and vacation of those dwellings, dwelling units, rooming houses, and rooming units unfit for human habitation; and fixing penalties for the violations of the provisions of this article, and to set forth a procedure for the granting of variances to the enforcement of the provisions of this chapter in cases of extreme hardship, where the health, safety, welfare and morals of the occupants of a given unit, or the public at large, will not be detrimentally affected, and where literal enforcement of the code would offer no meaningful advantage to the occupants of a unit or to the public at large. The article is hereby declared to be remedial and essential to the public interest, and it is intended that this article be liberally construed to effectuate the purposes as stated above.

(Ord. No. 68-14, § 4, 3-5-68; Ord. No. 76-28, § 1, 3-16-76)

Sec. 17-44. Construction and applicability.

The provisions of this article shall be applicable solely within the territorial limits of the City of Miami, Florida. Every portion of a building or premises used or intended to be used for any dwelling purpose, except temporary housing in times of local emergency, disaster or necessity, shall comply with the provisions of this article, irrespective of when such building shall have been constructed, altered or repaired; and irrespective of any permits or licenses which shall have been issued for the use or occupancy of the building or premises, for the construction or repair of the building, or for the installation or repair of equipment or facilities, prior to the effective date of this article. This article is intended and shall be construed as establishing minimum standards for the initial and continued occupancy of all buildings. It is not intended to replace, modify, supersede or diminish the standards established for the construction, repair, alteration or use of buildings, equipment or facilities by the South Florida Building Code (Ordinance No. 57-22, as amended). In any case where any provision of this article is found to be in conflict with a material and controlling provision of zoning regulations, the South Florida Building Code, or any other County or municipal ordinance, code or regulation, or any rules or regulations of the Florida State Board of Health, the provision which establishes the highest standard shall prevail. All County and municipal departments, officials and employees who have the duty, responsibility or authority to issue permits or licenses in regard to the use and occupancy of dwellings, dwelling units, rooming houses, or rooming units, or similar facilities, shall conform to the provisions of this article, as a minimum standard.

(Ord. No. 68-14, § 5, 3-5-68)

Sec. 17-45. Existing remedies preserved.

Nothing in this article shall be deemed to abolish or impair any existing remedies relating to the removal or demolition of any buildings which are deemed to be dangerous, unsafe or unsanitary. This article shall not affect violations of any other County or municipal ordinance, code or regulation existing prior to the effective date of this article, and such violations shall be governed and shall continue to be punished to the full extent of the law under the provisions of those ordinances, codes or regulations in effect at the time the violation was committed.

(Ord. No. 68-14, § 6, 3-5-68)

Sec. 17-46. Definitions.

In construing the provisions of this article, where the context will permit and no definition is provided herein, the definitions provided in Chapter 4 of the South Florida Building Code shall apply. The following words and phrases when used in this article shall have the meanings ascribed to them in this section:

(1) *Approval* shall mean approved by the head of the enforcement agency or his authorized representatives.

(2) *Basement* shall mean that portion of a building having less than one-half its clear floor-to-ceiling height below the average finished grade of the ground adjoining the building and its ceiling not more than six (6) feet above said grade.

(3) *Cellar* shall mean that portion of a building having one-half or more than one-half of its clear floor-to-ceiling height below the average finished grade of the ground adjoining the building.

(4) *Dwelling* shall mean any building which is wholly or partly used or intended to be used for living, sleeping, cooking and eating, provided that temporary housing as hereinafter defined shall not be regarded as a dwelling.

(5) *Dwelling unit* shall mean any room or group of rooms located within a dwelling and forming a single habitable unit with facilities used or intended to be used for living, sleeping, cooking and eating.

(6) *Enforcing agency* shall mean the Minimum Housing Enforcement Officer of Metropolitan Miami-Dade County.

(7) *Enforcing officer* shall mean any employee of the enforcing agency charged with the responsibility of making inspections of buildings and premises and issuing violation notices when necessary. The term shall be synonymous with inspecting officer.

(7.1) *Extreme hardship* shall describe a condition existing in a case before the Hearing Officer when a dwelling or dwelling unit does not fully comply with the provisions of the minimum housing code but is structurally sound and does not have safety deficiencies, and when the repair of such structure, in order to assure compliance with the code, would result in great economic hardship to the owner or the occupant of said unit, with commensurately little benefit to the owner or occupant and to the public at large.

(8) *Garbage* shall mean the animal and vegetable waste resulting from the handling, preparation, cooking and consumption of food.

(9) *Habitable area* shall mean two (2) or more habitable rooms.

(10) *Habitable room* shall mean a room or enclosed floor space used or intended to be used for living, sleeping, cooking, or eating purposes, excluding bathrooms, shower rooms, water closet compartments, laundries, pantries, foyers, connecting corridors, closets and storage spaces.

(11) *Head of enforcement agency* shall mean the Minimum Housing Enforcement Officer of Metropolitan Miami-Dade County.

(12) *Hotel* shall mean any dwelling or commercial building, or any part of any dwelling or commercial building, containing one (1) or more hotel units in which space is let by the owner or operator on a predominantly temporary basis to three (3) or more persons who are not husband or wife, son or daughter, mother or father, sister or brother of the owner or operator. Motels and buildings offering dormitory-type sleeping accommodations shall be included in this category.

(13) *Hotel unit* shall mean any room or group of hotel rooms forming a single habitable unit used or intended to be used for living and sleeping, but not for cooking and eating purposes. Motel units and dormitory-type sleeping accommodations shall be included in this category.

(14) *Infestation* shall mean the presence of any insects, rodents, vermin, or other pests.

(15) *Inspecting officer* shall be synonymous with the term enforcing officer as previously defined.

(15.1) *Means of egress* shall mean a continuous path of travel from any point in a building or structure to the open air outside at ground level and consists of three (3) separate and distinct parts:

(a) The way of exit access,

(b) The exit, and

(c) The means of discharge from the exit.

A means of egress comprises the vertical and horizontal means of travel and may include the room, space, doorway, corridor, hallway, passageway, stairs, ramps, lobby, escalator, and other paths of travel.

(a) Exit access shall mean that portion of a means of egress which leads to an entrance to an exit.

(b) Exit shall mean that portion of a means of egress which is separated from the area of the building from which escape is to be made by walls, floors, doors or other means which provide the protected path necessary for the occupants to proceed with reasonable safety to the exterior of the building. Note: An interior aisle, corridor, hallway or other means of travel used to reach an exit or doorway is not an exit, except where the maximum allowable distance of travel to an exit is exceeded, at which point the aisle or corridor shall be treated as part of an exit or [it] is so located, arranged, and enclosed as to constitute an integral part of an exit facility.

(c) Exit discharge shall mean that portion of a means of egress between the termination of the exit at the exterior of the building and ground level.

(16) *Occupant* shall mean any person over one (1) year of age living, sleeping, cooking, eating in, or having actual possession of a dwelling, dwelling unit, hotel unit, or rooming unit.

(17) *Operator* shall mean any person who has charge, care, or control of a building, or part thereof, in which dwelling units, hotel units, rooming units, or dormitory-type sleeping accommodations are let.

(18) *Owner* or *record owner* shall mean any person, firm, corporation or other legal entity, who individually or jointly or severally with others, holds the legal or beneficial title to any dwelling, dwelling unit, rooming house, rooming unit, facilities, equipment or premises subject to the provisions of this chapter. The term shall include the owner's duly authorized agent, a purchaser, devisee, fiduciary, property holder or any other person, firm, corporation, or legal entity having a vested or contingent interest, the holder of record of each mortgage or other lien, except judgment liens, or a taxpayer as defined in Florida Statutes, Section 192.001(13), as may be amended from time to time. It is intended that this term shall be construed as applicable to the person, firm, corporation or legal entity responsible for the construction, maintenance and operation of the building, facilities or premises involved.

(19) *Premises* shall mean any occupied or unoccupied building, accessory structure, lot, parcel of land, or any part thereof, used or intended to be used for residential purposes.

(20) *Rooming house* shall mean any dwelling, or part of any dwelling, containing one (1) or more rooming units in which space is let by the owner or operator on a predominantly permanent basis to three (3) or more persons who are not husband or wife, son or daughter, mother or father, sister or brother of the owner or operator. For the purpose of this article, Boarding houses are included in this category.

(21) *Rooming unit* shall mean any room or group of rooms, forming a single habitable unit, used or intended to be used for living and sleeping but not for cooking or eating purposes.

(22) *Rubbish* shall mean all combustible and noncombustible waste materials except garbage. The term shall include residue from the burning of wood, coal, coke, and other combustible materials, paper, rags, cartons, boxes, wood, excelsior, rubber, leather, tree branches, yard trimmings, tin cans, metal, mineral matter, glass and crockery.

(23) *Supplied* shall mean paid for, furnished, or provided by or under control of the owner or operator.

(24) *Temporary housing* shall mean any tent, trailer, or other structure used for human shelter which is designed to be transportable and which is not attached to the ground, to another structure, or in a permanent manner to any utilities system. For the purpose of this article, living quarters for migratory agricultural workers shall be defined as temporary housing.

(25) *Meaning of certain words.* Whenever the words "dwelling," "dwelling unit," "hotel," "hotel unit," "rooming house," "rooming unit" and "premises" are used in this article they shall be construed as though they were followed by the words "or any part thereof."

(26) Any reference in this article to the words "approved," "adequate," "adequately," "properly installed," "properly connected" or "properly constructed," shall have reference to those standards set out in the South Florida Building Code, the Rules of the State Board of Health, Chapters 5, 15 and [26A](../level2/PTIIICOOR_CH26ASANU.docx#PTIIICOOR_CH26ASANU) of the Metropolitan Code, and any other enactment of law applicable to the structure or particular portion or system of the structure under inspection by the enforcing agency.

(Ord. No. 68-14, § 7, 3-5-68; Ord. No. 69-46, § 2, 7-23-69; Ord. No. 74-44, § 4, 6-18-74; Ord. No. 76-28, § 2, 3-16-76; Ord. No. 88-15, § 1, 3-15-88; Ord. No. 07-148, § 10, 10-2-07)

Sec. 17-47. Minimum Housing Enforcement Officer—Appointment; term; exempt from classified service; salary.

The Minimum Housing Enforcement Officer shall be appointed by and serve at the will of the County Manager. Such officer shall be chosen by the County Manager on the basis of his qualifications and experience in the field of building and housing. The office shall constitute a position exempt from the classified service of the County. The salary for such position shall be fixed by the County Manager and shall be included in the County budget. The Minimum Housing Enforcement Officer shall serve under the administrative supervision of the Director of Team Metro. The County Manager may appoint such assistants to the Minimum Housing Enforcement Officer as may be necessary in order that his duties may be properly performed, subject to budget limitations.

(Ord. No. 68-14, § 8, 3-5-68; Ord. No. 88-15, § 1, 3-15-88; Ord. No. 95-215, § 1, 12-5-95; Ord. No. 98-125, § 10, 9-3-98)

Sec. 17-48. Same—Duties and powers.

The powers of the Minimum Housing Enforcement Officer shall include the following:

(1) The enforcement of the provisions of this article and rules and regulations promulgated hereunder, and all County ordinances, codes, rules and regulations pertaining to housing and the use and occupancy of dwellings, and all rules and regulations of the Florida State Board of Health and the Florida Hotel and Restaurant Commission, in cooperation with such state agencies, in the City of Miami.

(2) Investigate complaints and institute enforcement actions necessary to abate all violations of County regulations governing the use and occupancy of housing facilities. In addition to inspections resulting from complaints, inspections may be made at the request of the owner of the subject property provided such requested inspections are for the purpose of qualifying for participation in a governmental program. The Minimum Housing Enforcement Officer shall have the power and authority to charge and collect fees for making inspections. The fees charged shall be as set forth in the Team Metro fee schedule, as established by resolution of the Board of County Commissioners of Miami-Dade County, Florida, as amended from time to time.

(3) Make appropriate surveys and inspections to determine whether the provisions of this article are being complied with, and whether minimum housing standards are being maintained within the City of Miami.

(4) Make inspections of housing premises, facilities and equipment in accordance with procedures prescribed by this article to determine whether the provisions of this article are being complied with, and make recommendations for methods by which minimum housing standards may be more effectively maintained.

(5) Render all possible assistance and technical advice to persons operating and maintaining housing facilities, premises and equipment.

(6) Establish, operate and maintain a continuous program for monitoring and inspection of housing facilities in the City of Miami designed to provide accurate data and information as to whether the minimum standards established by this article are being complied with and whether the level of adequate housing facilities is increasing or decreasing in the City of Miami.

(7) Publish and disseminate information to the public concerning all matters relating to minimum housing standards and the advantages of adequate housing facilities.

(8) Render all possible assistance and cooperation to federal, State and local agencies and officials in the accomplishment of effective minimum housing standards and controls.

(9) The Minimum Housing Enforcement Officer shall have the power and authority to charge and collect fees as described in [Section 17-48](../level3/PTIIICOOR_CH17HO_ARTIIICIMIMIHOST.docx#PTIIICOOR_CH17HO_ARTIIICIMIMIHOST_S17-48SAUTPO)(2) herein for rendering inspection assistance in accordance with the Team Metro fee schedule, as established by resolution of the Board of County Commissioners of Miami-Dade County, Florida, as amended from time to time and to recover the costs of enforcement as provided for in this chapter.

(10) Make periodic reports concerning the status of minimum housing standards and the enforcement of the provisions of this article, and recommendations concerning the improvement of minimum housing standards and controls.

(11) Perform such other administrative duties as may be assigned by the County Manager.

(Ord. No. 68-14, § 9, 3-5-68; Ord. No. 81-16, § 1, 2-17-81; Ord. No. 88-15, § 1, 3-15-88; Ord. No. 95-215, § 1, 12-5-95; Ord. No. 98-125, § 10, 9-3-98)

Sec. 17-49. Same—Identification of Minimum Housing Enforcement Officer; conflict of interest.

The Minimum Housing Enforcement Officer and all assistants shall be furnished with official identification cards signed by the County Manager, which identification cards shall contain the name of the officer, his photograph, and pertinent descriptive identifying information, and such other matters designed to facilitate recognition by the public of the status of such official. Upon request, the Minimum Housing Enforcement Officer and assistants shall exhibit such identification when entering any dwelling, dwelling unit, rooming house, rooming unit, hotel, hotel unit, or premises. The requirements of this section shall not in any wise be construed as relieving the Minimum Housing Enforcement Officer or assistants from compliance with the procedures prescribed in this article for making inspections.

No official, Hearing Officer or employee charged with the enforcement of this law shall have any financial interest, directly or indirectly, in any repairs, corrections, construction or demolition which may be required.

(Ord. No. 68-14, § 10, 3-5-68; Ord. No. 80-60, § 1, 6-17-80; Ord. No. 07-148, § 11, 10-2-07)

Sec. 17-50. Authorized inspections.

The Minimum Housing Enforcement Officer and enforcing officers shall be authorized to make inspections to determine the condition of dwellings, dwelling units, rooming houses, rooming units, hotels, hotel units, and premises in order to safeguard the health, safety, morals and welfare of the public. The Minimum Housing Enforcement Officer and enforcing officers shall be authorized to enter any dwelling, dwelling unit, rooming house, rooming unit, hotel, hotel unit, or premises at any reasonable time, or at such other time as may be necessary in an emergency, for the purpose of performing the duties of such office under this article, in accordance with the procedures herein prescribed. Except in emergencies endangering the public health, safety and welfare, the Minimum Housing Enforcement Officer and enforcing officers shall enter a dwelling, dwelling unit, rooming house, rooming unit, hotel, hotel unit, or premises only upon the prior consent of the person lawfully in occupancy thereof or the person having legal right of possession thereof, or in accordance with the provisions of this section. When the Minimum Housing Enforcement Officer or any enforcing officer has reason to believe that any dwelling, dwelling unit, rooming house, rooming unit, hotel, hotel unit, or premises is in violation of the provisions of this article, or when such officer deems it necessary to make an inspection to determine whether a facility is in violation of the minimum housing standards established by this article, such officer shall request permission to make an inspection from the person lawfully in occupancy thereof or from the person having the legal right of possession thereof. In the event that such person refuses to consent to the inspection, the Minimum Housing Enforcement Officer or enforcing officer may apply to the County Court or Circuit Court for the issuance of an inspection warrant to be served by an officer duly authorized by law to serve inspection warrants and make arrests for violations of this article. The inspection warrant shall issue in accordance with the requirements of the United States Supreme Court case of *Camara* v. *Municipal Court of the City and County of San Francisco,* 18 L. Ed. 2d 930, 87 S. Ct. 1727 (1967) and Florida Statutes, Sections 933.20—933.30 and shall authorize entry into and inspection of the premises described therein. Refusal to permit an inspection pursuant to an inspection warrant authorized by this section shall constitute a violation of this article and shall subject the violator to the penalties prescribed herein.

(Ord. No. 68-14, § 11, 3-5-68; Ord. No. 71-52, § 5, 6-15-71; Ord. No. 80-61, § 1, 6-17-80; Ord. No. 86-47, § 1, 6-17-86)

Sec. 17-51. Notice of violations.

(a) Whenever the Minimum Housing Enforcement Officer or his assistant finds and determines that there has been a violation of the minimum housing standards established by this article he shall give notice of such violation to the owner. Such notice shall be in writing, shall specify the violations, and shall specify the time for compliance.

(b) Such notice shall specify that permits, if necessary, for the work required to correct the violations must be obtained from the Building Official of the City of Miami within the time specified in the notice and that the violation must be corrected within the time specified in the notice, and that final compliance must conform with the requirements of the South Florida Building Code.

(c) Such notice shall contain an outline of the remedial action which, if taken, will constitute compliance with the requirements of this article. Such notice shall inform the owner of the right to apply to the Hearing Officer for a hearing and review of matters within this notice as provided in Sections [17-57](../level3/PTIIICOOR_CH17HO_ARTIIICIMIMIHOST.docx#PTIIICOOR_CH17HO_ARTIIICIMIMIHOST_S17-57APACDEMIHOENOF) and [17-58](../level3/PTIIICOOR_CH17HO_ARTIIICIMIMIHOST.docx#PTIIICOOR_CH17HO_ARTIIICIMIMIHOST_S17-58HEOFADDUMI). Such notice may also inform the person or persons to whom it is directed that failure to comply may result in enforcement action as provided for in [Section 17-55](../level3/PTIIICOOR_CH17HO_ARTIIICIMIMIHOST.docx#PTIIICOOR_CH17HO_ARTIIICIMIMIHOST_S17-55REENCOAGHIOBMIHOENOF) or [Chapter 8CC](../level2/PTIIICOOR_CH8CCCOEN.docx#PTIIICOOR_CH8CCCOEN) of this Code. Such notice shall be served upon the owner. Such notice shall be deemed to be properly served and binding upon the property involved if a copy is served by certified mail return receipt requested, addressed to the owner's last known address, or if the owner cannot be served by certified mail, a copy of the notice shall be posted in a conspicuous place on the facilities or premises involved. Such notice shall state the date of posting.

(Ord. No. 68-14, § 12, 3-5-68; Ord. No. 69-87, § 1, 12-3-69; Ord. No. 88-15, § 1, 3-15-88; Ord. No. 07-148, § 12, 10-2-07)

Sec. 17-52. Notice as final order.

Any notice of violation provided for in [Section 17-51](../level3/PTIIICOOR_CH17HO_ARTIIICIMIMIHOST.docx#PTIIICOOR_CH17HO_ARTIIICIMIMIHOST_S17-51NOVI) hereof shall automatically become a final order in the event that no written appeal from the notice of violation is filed with the Hearing Officer within twenty (20) days after the date of service of the notice of violation.

(Ord. No. 68-14, § 13, 3-5-68; Ord. No. 71-52, § 6, 6-15-71; Ord. No. 80-62, § 1, 6-17-80; Ord. No. 07-148, § 13, 10-2-07)

Sec. 17-53. Recording of final order.

Whenever a notice of violation becomes a final order, or whenever the violations specified in the notice have not been corrected within the time specified in the notice, the Minimum Housing Enforcement Officer shall file a copy of such final order or other appropriate instrument indicating that violations of the minimum housing standards established by this article exist upon the property involved, in the office of the Clerk of the Circuit Court of Miami-Dade County, Florida, who shall cause the same to be recorded among the public records of Miami-Dade County, in an appropriate book provided for such purpose. The recordation of such final order or other appropriate instrument as herein provided shall constitute constructive notice to any subsequent purchasers, transferees, grantees, mortgagors, mortgagees, lessees, lienors, and all persons having, claiming or acquiring any interest in the property described therein, or affected thereby. When the violations specified in the said final order shall have been corrected, and all costs of enforcement as provided hereinafter are paid, the Minimum Housing Enforcement Officer shall have recorded a certificate certifying that the violations have been corrected and cancelling the final order. All such final orders shall contain the proper legal description of the property involved. The cost of recording the original final order and the certificate of cancellation shall also be recoverable as costs from the owner of record of the property prior to recording the certificate of cancellation. Any person acquiring any interest in or to property described in a final order after recordation thereof shall be bound by the provisions thereof, and shall take the property subject to the requirements set forth in the final order. All such persons acquiring an interest in or to property for which a final order has been recorded under this section shall comply with the requirements thereof, and shall be subject to all of the other provisions of this chapter. Provided, however, that if the time for appeal from the final order as provided in Sections [17-52](../level3/PTIIICOOR_CH17HO_ARTIIICIMIMIHOST.docx#PTIIICOOR_CH17HO_ARTIIICIMIMIHOST_S17-52NOFIOR) and [17-57](../level3/PTIIICOOR_CH17HO_ARTIIICIMIMIHOST.docx#PTIIICOOR_CH17HO_ARTIIICIMIMIHOST_S17-57APACDEMIHOENOF) has not run as of the time of conveyance, the new owner or transferee of an interest in or to property shall have ten (10) days from the date upon which the transfer of property interest is effective as to him within which to appeal the final order to the Hearing Officer. If an appeal of the final order has been perfected but a final decision of the Hearing Officer has not been rendered, the new owner or transferee may exercise all of the rights of appeal which would have been accorded to the prior owner or transferor.

(Ord. No. 68-14, § 14, 3-5-68; Ord. No. 71-52, § 7, 6-15-71; Ord. No. 80-63, § 1, 6-17-80; Ord. No. 80-141, § 1, 12-16-80; Ord. No. 88-15, § 1, 3-15-88; Ord. No. 07-148, § 14, 10-2-07)

Sec. 17-54. Reserved.

**Editor's note—**

Ord. No. 88-15, § 1, adopted March 15, 1988, repealed [§ 17-54](../level3/PTIIICOOR_CH17HO_ARTIIICIMIMIHOST.docx#PTIIICOOR_CH17HO_ARTIIICIMIMIHOST_S17-54RE), which pertained to records and searches, as derived from Ord. No. 68-14, [§ 15](../level2/PTIIICOOR_CH15SOWAMA.docx#PTIIICOOR_CH15SOWAMA), adopted March 15, 1968.

Sec. 17-55. Remedies for enforcement consent agreements; hindering or obstructing Minimum Housing Enforcement Officer.

(a) It shall be unlawful for any person to fail to comply with the minimum housing standards established by this article, or to fail or refuse to comply with the requirements of any final order issued in accordance with the provisions of this article. Each day of continued violation shall be considered as a separate offense.

(b) If any person shall knowingly fail or refuse to obey or comply with, or wilfully violates, any of the provisions of this article, or any lawful final order issued hereunder, such person, upon conviction of such offense, shall be punished by a fine not to exceed five hundred dollars ($500.00) or by imprisonment not to exceed sixty (60) days in the County Jail, or both, in the discretion of the court.

(c) The provisions of this article and final orders issued in accordance with the provisions of this article may be enforced by mandatory injunction, or other appropriate civil action. The Minimum Housing Enforcement Officer may institute a civil action in a court of competent jurisdiction to impose and recover a civil penalty for each violation in an amount of not more than five thousand dollars ($5,000.00) per offense. Each day during any portion of which such violation occurs constitutes a separate offense.

(d) The Minimum Housing Enforcement Officer or his assistant, may, in the Minimum Housing Enforcement Officer's or his assistant's discretion, terminate an investigation or an action commenced under the provisions of this chapter upon execution of a written consent agreement between the Minimum Housing Enforcement Officer or his assistant and the record owner of the land which is the subject of the investigation or action. The consent agreement shall provide written assurance of voluntary compliance with all the applicable provisions of this chapter by the record owner. The consent agreement shall provide the following: Repayment of costs of the County for investigation, enforcement, and litigation including attorneys' fees; and remedial or corrective action. The consent agreement may, in the discretion of the Minimum Housing Enforcement Officer upon agreement of the owner, provide for compensatory damages, punitive damages and civil penalties. An executed written consent agreement shall neither be evidence of a violation of this chapter nor shall such agreement be deemed to impose any limitations upon any investigation or action by the Minimum Housing Enforcement Officer or his assistant, in the enforcement of this chapter. The consent agreement shall not constitute a waiver of or limitation upon the enforcement of any federal, State or local laws and ordinances. Executed written consent agreements are hereby deemed to be lawful orders of the Minimum Housing Enforcement Officer or his assistant. Each violation of any of the terms and conditions of an executed written consent agreement shall constitute a separate offense under this chapter by the owner who executed the consent agreement, his respective officers, directors, agents, servants, employees and attorneys; and by those persons in active concert or participation with any of the foregoing persons and who receive actual notice of the consent agreement punishable in accordance with the provisions of [Section 17-55](../level3/PTIIICOOR_CH17HO_ARTIIICIMIMIHOST.docx#PTIIICOOR_CH17HO_ARTIIICIMIMIHOST_S17-55REENCOAGHIOBMIHOENOF) of this chapter and [Chapter 8CC](../level2/PTIIICOOR_CH8CCCOEN.docx#PTIIICOOR_CH8CCCOEN) of this Code. Each day during any portion of which each such violation occurs constitutes a separate offense under this chapter. Decisions and action of the Minimum Housing Enforcement Officer or his assistant, pursuant to [Section 17-55](../level3/PTIIICOOR_CH17HO_ARTIIICIMIMIHOST.docx#PTIIICOOR_CH17HO_ARTIIICIMIMIHOST_S17-55REENCOAGHIOBMIHOENOF)(c) of this Code and written consent agreements executed thereunder, shall not be subject to appeal to or review by the Hearing Officer pursuant to [Section 17-57](../level3/PTIIICOOR_CH17HO_ARTIIICIMIMIHOST.docx#PTIIICOOR_CH17HO_ARTIIICIMIMIHOST_S17-57APACDEMIHOENOF) of the Code of Miami-Dade County, Florida.

(e) Any person who hinders, obstructs or resists the Minimum Housing Enforcement Officer or his assistant in the discharge of his duty as provided in this chapter, upon conviction thereof in the County Court, shall be punished by a fine not to exceed five hundred dollars ($500.00) or by imprisonment in the County Jail for not more than sixty (60) days, or by both such fine and imprisonment.

(Ord. No. 68-14, § 16, 3-5-68; Ord. No. 88-15, § 1, 3-15-88; Ord. No. 07-148, § 15, 10-2-07)

Sec. 17-56. Power to act in emergencies.

Whenever the Minimum Housing Enforcement Officer finds that a violation of the provisions of this article exists which requires immediate action to abate a direct and continuing hazard, or immediate danger to the health, safety or welfare of the occupants or the public, such officer may, without prior notice, issue an order or civil violation notice pursuant to [Chapter 8CC](../level2/PTIIICOOR_CH8CCCOEN.docx#PTIIICOOR_CH8CCCOEN) of this Code citing the violation and directing that such action be taken as may be necessary to remove or abate the hazard or danger. Notwithstanding any other provision of this article, such emergency order shall be effective immediately upon service and shall be complied with immediately, or as otherwise provided.

(Ord. No. 68-14, § 17, 3-5-68; Ord. No. 71-52, § 8, 6-15-71; Ord. No. 88-15, § 1, 3-15-88)

Sec. 17-57. Appeals from actions or decisions of Minimum Housing Enforcement Officer.

(a) Any person aggrieved by any action or decision of the Minimum Housing Enforcement Officer may appeal to the Clerk of the Courts by filing with the Clerk of the Courts within twenty (20) days after the date of the action or decision complained of, a written notice of appeals which shall set forth concisely the action or decision appealed from and the reasons or grounds for the appeal. This appeal provision shall not apply to any citation issued in accordance with [Chapter 8CC](../level2/PTIIICOOR_CH8CCCOEN.docx#PTIIICOOR_CH8CCCOEN). The Clerk shall set such appeal for hearing at the earliest possible date, and cause notice thereof to be given to the appellant and the Minimum Housing Enforcement Officer.

(b) The administrative hearing shall be open to the public. The proceedings at the hearing shall be recorded and may be transcribed at the expense of the person requesting the transcript.

(c) Any person who has been served with notice of violation shall elect either to pay the enforcement costs in the manner indicated on the notice, and correct the violation within the time specified on the notice (if applicable); or

(d) Request an administrative hearing before a Hearing Officer to appeal the decision of the Minimum Housing Enforcement Officer which resulted in the issuance of the notice of violation.

(e) Appeal by administrative hearing of the notice of violation shall be accomplished by filing a request in writing to the address indicated on the notice, no later than twenty (20) calendar days after the service of the notice, whichever is earlier.

(f) Upon receipt of a named property owner's timely request for an administrative hearing, the Clerk of the Court shall set the matter down for hearing on the next regularly scheduled hearing date or as soon thereafter as possible or as mandated in the specified Code Section which is enforced pursuant to this chapter.

(g) The Clerk of the Court shall send a notice of hearing by first class mail to the property owner at his last known address. The notice of hearing shall include but not be limited to the following:

(1) Name of the Minimum Housing Enforcement Officer who issued the notice.

(2) Factual description of alleged violation.

(3) Date of alleged violation.

(4) Section of the Code allegedly violated.

(5) Place, date and time of the hearing.

(6) Right of the property owner to be represented by a lawyer.

(7) Right of property owner to present witnesses and evidence.

(8) Notice that failure of property owner to attend hearing shall result in enforcement costs and administrative costs being assessed against him.

(9) Notice that requests for continuances will not be considered if not received by the Hearing Officer at least fifteen (15) calendar days prior to the date set for hearing.

(h) The Clerk of the Court shall schedule hearings upon the request of the appellant. No hearing shall be set sooner than twenty (20) calendar days from the date of service of the notice of violation.

(i) All testimony shall be under oath. Assuming proper notice, a hearing may proceed in the absence of the property owner.

(j) The Clerk of the Court shall provide clerical and administrative personnel as may be reasonably required by each Hearing Officer for the proper performance of his duties.

(k) Each case before a Hearing Officer shall be presented by the head of the enforcing agency or his designee.

(l) The hearing need not be conducted in accordance with the formal rules relating to evidence and witnesses. Any relevant evidence shall be admitted if the Hearing Officer finds it competent and reliable, regardless of the existence of any common law or statutory rule to the contrary.

(m) Each party shall have the right to call and examine witnesses; to introduce exhibits; to cross-examine opposing witnesses on any matter relevant to the issues even though that matter was not covered in the direct examination; to impeach any witness regardless of which party first called him to testify; and to rebut the evidence against him.

(n) The Hearing Officer shall make findings of fact based on evidence of record. The Hearing Officer shall make findings of fact immediately upon conclusion of the hearing. Once commenced, no hearing shall be deferred, however, the property owner shall have the option to request a reschedule of the hearing. A request to reschedule the hearing shall only be considered prior to the commencement of the testimony and presentation of evidence. In order to make a finding upholding the Minimum Housing Enforcement Officer's decision, the Hearing Officer must find that a preponderance of the evidence indicates that the property owner was responsible for the violation of the relevant Section of the Code as charged.

(o) If the property owner is found guilty of the violation, he shall pay the reasonable costs of the administrative hearing and the costs and expenses of the enforcing agency for investigation, enforcement, testing, or monitoring. The costs and expenses of the enforcing agency for investigation, enforcement, testing, or monitoring shall be calculated and submitted to the Hearing Officer, to be attached to the final order for amount owed, in standard format as prescribed by departmental administrative orders approved and amended from time to time by the Board of County Commissioners or the local municipal governing board. All costs of enforcement shall be paid within thirty (30) days of the date of the administrative hearing unless an alternate timeframe is established by the enforcing agency.

(p) The fact-finding determination of the Hearing Officer shall be limited to whether the violation alleged did occur and, if so, whether the person named in the civil violation notice can be held responsible for that violation. Based upon this fact-finding determination, the Hearing Officer shall either affirm or reverse the decision of the Minimum Housing Enforcement Officer as to the responsibility of the named property owner for the Code violation. If the Hearing Officer affirms the decision of the Minimum Housing Enforcement Officer, the Hearing Officer shall determine a reasonable time period within which correction of the violation must be made, provided however, that such time period shall be no more than thirty (30) days. If the Hearing Officer reverses the decision of the Minimum Housing Enforcement Officer and finds the named property owner not responsible for the Code violation alleged in the civil violation notice, the named property owner shall not be liable for the payment of any administrative costs, absent reversal of the Hearing Officer's findings. If the decision of the Hearing Officer is to affirm, then the following elements shall be included:

(1) Amount of enforcement costs of the enforcing agency.

(2) Administrative costs of hearing.

(3) Date by which the violation must be corrected to prevent imposition of continuing violation penalties (if applicable).

(q) The Hearing Officer shall have the power to:

(1) Adopt procedures for the conduct of hearings.

(2) Subpoena property owners and witnesses for hearings; subpoenas may be served by the Miami-Dade County Police Department or by the staff of the Hearing Officer.

(3) Subpoena evidence.

(4) Take testimony under oath.

(r) (1) A Hearing Officer shall postpone and shall not conduct a hearing if the named property owner, prior to the scheduled hearing date, files with a duly authorized County board of appropriate jurisdiction, an administrative appeal concerning the interpretation or application of any technical provisions of the Code Section allegedly violated. However, once an issue has been determined by a Hearing Officer in a specific case, that issue may not be further reviewed by a County board in that specific case. A named property owner waives his right to administrative appeal to other County boards if the property owner does not apply for such appeal prior to the property owner's administrative appeal hearing before the Hearing Officer.

(2) Upon exhaustion of a timely filed administrative appeal and finalization of the administrative order by such board, the Hearing Officer may exercise all powers given to him by this chapter. The Hearing Officer shall not, however, exercise any jurisdiction over such alleged Code violations until the time allowed for court appeal of the ruling of such board has lapsed or until such further appeal has been exhausted.

(3) The Hearing Officer shall be bound by the interpretations and decisions of duly authorized County boards concerning the provisions of the codes within their respective jurisdictions. In the event such a board decides that an alleged violation of the Code is not in accordance with such board's interpretation of the Code provision on which the violation is based, the Hearing Officer shall not be empowered to proceed with the enforcement of the violation.

(s) Any person aggrieved by any decision of the Hearing Officer on appeal taken to it, including, but not limited to, the Minimum Housing Enforcement Officer, may apply to the Circuit Court of Miami-Dade County for review by writ of certiorari in accordance with the applicable Florida Appellate Rules. For such purposes, the Clerk of the Court shall make available for public inspection and copying the record of each such decision to be reviewed; provided, such Clerk may make a reasonable charge commensurate with the costs, in the event he/she is able to and does furnish copies of all or portions of such records. Prior to certifying a copy of any record or any portion thereof, the clerk, or designee, shall make all necessary corrections in order that the copy is a true and correct copy of the record, or those portions thereof requested, and shall make a charge of not more than actual copying costs per page, instrument, or exhibit; provided the charges here authorized are not intended to repeal or amend any fee or scheduled fees otherwise established.

(Ord. No. 68-14, § 18, 3-5-68; Ord. No. 73-48, § 3, 5-1-73; Ord. No. 07-148, § 16, 10-2-07)

Sec. 17-58. Hearing Officer's additional duties in City of Miami.

The Hearing Officer established by [Section 17-17](../level3/PTIIICOOR_CH17HO_ARTIIMEMIDECOMIHOST.docx#PTIIICOOR_CH17HO_ARTIIMEMIDECOMIHOST_S17-17APACDEMIHOENOF) of the Code of Miami-Dade County shall have the following additional duties in the City of Miami:

(1) Hear and determine appeals from actions and decisions of the Minimum Housing Enforcement Officer in accordance with the provisions of Sections [17-57](../level3/PTIIICOOR_CH17HO_ARTIIICIMIMIHOST.docx#PTIIICOOR_CH17HO_ARTIIICIMIMIHOST_S17-57APACDEMIHOENOF) and [17A-15](../level2/PTIIICOOR_CH17AVASTSTMI.docx#PTIIICOOR_CH17AVASTSTMI_S17A-15APACDEMIHOENOF)

(2) The Hearing Officer shall have the power and authority to hear and pass upon all appeals from the enforcement officer's refusal to grant extension of time for compliance with the provisions of this article and [Chapter 17A](../level2/PTIIICOOR_CH17AVASTSTMI.docx#PTIIICOOR_CH17AVASTSTMI) and notices issued by the Minimum Housing Enforcement Officer. Applications for extensions of time for compliance shall be considered and determined on the basis of the public interest and welfare and not merely on economic benefit to the applicant. Applications shall be granted only when it is established that the requested extension of time for compliance will not be detrimental to the occupants or to the public health, safety and welfare of the public at large.

(3) (a) The Hearing Officer shall not have the power or authority to grant applications for variances to this code, except under the following circumstances:

1. When the Hearing Officer specifically finds, upon a showing by the applicant, that an extreme hardship as defined in [Section 17-46](../level3/PTIIICOOR_CH17HO_ARTIIICIMIMIHOST.docx#PTIIICOOR_CH17HO_ARTIIICIMIMIHOST_S17-46DE) or [17A-5](../level2/PTIIICOOR_CH17AVASTSTMI.docx#PTIIICOOR_CH17AVASTSTMI_S17A-5DE) exists; and

2. When the Hearing Officer finds that such hardship circumstance is one in which the granting of a variance will not detrimentally affect the health, safety, morals or welfare of the occupants or the public.

(b) When the Hearing Officer finds that the application for variance meets the requirements of subsection (a) above, the Hearing Officer may determine that such variance is necessary for a period of one (1) year or less and in that event the Hearing Officer shall recite the exact date on which the variance shall terminate and by which compliance shall be effected.

(c) When the Hearing Officer finds that the application for variance meets the requirements of subsection (a) above, and further finds that such hardship variance should be granted for a period of greater than one (1) year, the Hearing Officer shall grant a "continuing variance." Such variance shall apply only to the code violations specifically considered and approved by the Hearing Officer. Such continuing variance shall remain in effect for only so long as those conditions which the Hearing Officer shall attach to each such variance are complied with. The conditions which shall attach to such continuing variance shall include, but not be limited to:

1. That ownership of the particular unit involved shall remain unchanged; or, in the alternative, the Hearing Officer may grant a continuing variance which shall run with and attach to the property so long as the usage thereof remains unchanged;

2. That the occupancy and usage of said unit shall remain unchanged;

3. That no structural modification or alteration affecting that portion or portions of the unit which is the subject of this variance shall be made except such modification or alteration which is necessary to accomplish compliance with this chapter or [Chapter 17A](../level2/PTIIICOOR_CH17AVASTSTMI.docx#PTIIICOOR_CH17AVASTSTMI)

4. That failure to comply with the conditions upon which said variance has been granted shall require the enforcement officer to file a notice of violation in accordance with the provisions of subsection (d) hereof, which shall cause the existence of any such continuing variance to be reviewed for a determination of whether such variance should be revoked by the Hearing Officer;

5. Other such conditions deemed necessary by the Hearing Officer based upon its consideration of the facts and circumstances of each case; and

6. That said unit shall be annually inspected by the Minimum Housing Enforcement Officer to determine the compliance with the conditions of the variance and to determine that changes have not taken place which shall cause a dangerous threat to the health, safety, morals, or welfare of the occupant of said unit or to the public at large.

(d) If the Minimum Housing Enforcement Officer shall, after the annual or periodic inspection provided for in subsection (c)6 above, determine that the conditions attached to any continuing variance have not been complied with, the officer shall file a notice of violation of the terms of said variance in accordance with the notice provisions of [Section 17-51](../level3/PTIIICOOR_CH17HO_ARTIIICIMIMIHOST.docx#PTIIICOOR_CH17HO_ARTIIICIMIMIHOST_S17-51NOVI) of this chapter or [Section 17A-9](../level2/PTIIICOOR_CH17AVASTSTMI.docx#PTIIICOOR_CH17AVASTSTMI_S17A-9NOVI) of the Code of Miami-Dade County, Florida, and the officer shall schedule the matter for hearing before the Hearing Officer. The person served with the notice of violation shall have the burden of showing the Hearing Officer why such variance should not be terminated.

(e) Notwithstanding the provisions of [Section 17-53](../level3/PTIIICOOR_CH17HO_ARTIIICIMIMIHOST.docx#PTIIICOOR_CH17HO_ARTIIICIMIMIHOST_S17-53REFIOR) or [Section 17A-11](../level2/PTIIICOOR_CH17AVASTSTMI.docx#PTIIICOOR_CH17AVASTSTMI_S17A-11REFIOR), any variance granted by the Hearing Officer for extreme hardship shall be recorded as a final order. The recording of any such variance shall include a list of all conditions which the Hearing Officer shall have attached and a list of the specific violations for which the Hearing Officer has granted the variance. Any other variance granted by the Hearing Officer shall continue to be recorded as provided by [Section 17-53](../level3/PTIIICOOR_CH17HO_ARTIIICIMIMIHOST.docx#PTIIICOOR_CH17HO_ARTIIICIMIMIHOST_S17-53REFIOR) or [Section 17A-11](../level2/PTIIICOOR_CH17AVASTSTMI.docx#PTIIICOOR_CH17AVASTSTMI_S17A-11REFIOR)

(Ord. No. 68-14, § 19, 3-5-68; Ord. No. 73-48, § 4, 5-1-73; Ord. No. 76-28, § 3, 3-16-76; Ord. No. 80-64, § 1, 6-17-80; Ord. No. 07-148, § 17, 10-2-07)

Sec. 17-58.1. Recovery of enforcement costs.

(a) The entire costs incurred by the Minimum Housing Enforcement Officer in enforcing the provisions of this chapter shall be paid by the owner, including but not limited to, the cost of enforcement inspections, preparation of enforcement, reports, photographs, title searches, postage and other administrative costs for enforcement and collection. The owner of any multi-unit dwelling containing four (4) or more dwelling units, rooming units, or hotel/motel units or combination thereof which is subject to the registration certificate requirements of Section 17-20 of the Code of Metropolitan Miami-Dade County shall only be liable for enforcement costs levied and imposed pursuant to this section, if such enforcement costs collectible hereunder exceed the annual registration certificate fee special assessments collected for the building in which such dwelling is contained. The costs of enforcement shall be paid within thirty (30) days of the owner's receipt of the Team Metro's bill itemizing the enforcement costs incurred in enforcing this chapter.

(b) The Minimum Housing Enforcement Officer shall file among his records a fair and accurate statement of each item of expense with the date of execution of any action authorized by this chapter.

(c) Team Metro may institute a civil suit to recover such expenses against the property or may cause such expenses to be charged against the real property as a lien, upon recordation of an enforcement lien in the public records of Miami-Dade County, Florida. A lien will remain on the real property after recordation as provided herein until such costs are fully paid and discharged, or barred by law.

(d) Liens created pursuant to [Section 17-58.1](../level3/PTIIICOOR_CH17HO_ARTIIICIMIMIHOST.docx#PTIIICOOR_CH17HO_ARTIIICIMIMIHOST_S17-58.1REENCO)(c) may be discharged and satisfied by payment to Team Metro of the amount specified in the notice of lien, together with interest thereon from the date of the filing of the lien computed at the rate of eighteen (18) percent per annum, together with the administrative costs, filing and recording fees and fees paid to file a satisfaction of the lien in the public records. When any such lien has been discharged, the Department of Team Metro shall promptly cause evidence of the satisfaction and discharge of such lien to be recorded in the public records. Any person, firm, corporation or legal entity, other than the present owner of the property involved, who pays any such unsatisfied lien shall be entitled to receive an assignment of the lien held by the County and shall be subrogated to the rights of the County in respect to the enforcement of such lien, as permitted by law.

(Ord. No. 88-15, § 1, 3-15-88; Ord. No. 95-215, § 1, 12-5-95; Ord. No. 98-125, § 10, 9-3-98)

Sec. 17-59. Minimum standards for basic equipment and facilities.

No person shall occupy, or let to another for occupancy, any dwelling or dwelling unit, for the purpose of living, sleeping, cooking, or eating therein, which does not comply with the following requirements:

(1) Every dwelling unit shall contain not less than a kitchen sink, lavatory, tub or shower and water closet, all in good working condition and installed in accordance with the South Florida Building Code. Sink, lavatory, tub or shower shall be supplied with adequate hot and cold water.

(2) Every dwelling unit shall contain a room which affords privacy to a person within said room and which is equipped with a flush water closet and a lavatory basin in good working condition and properly connected to an approved water system and sewer system or an approved septic tank installation including an approved absorption bed. No privy shall be constructed or continued in operation after the effective date of this article.

(3) Every dwelling unit shall contain a room which affords privacy to a person within said room and which is equipped with a bathtub or shower in good working condition and properly connected to an approved water system and sewer system or an approved septic tank installation including an approved absorption bed.

(4) Every kitchen sink, lavatory basin, and bathtub or shower required under the provisions of this section shall be properly connected with both hot and cold water lines.

(5) Every dwelling shall have water heating facilities which are properly installed, maintained in safe and good working condition, and properly connected with the hot water lines required under the provisions of the preceding paragraphs. Such water heating facilities shall be capable of supplying on demand to all the required fixtures a continuous supply of hot water, as spelled out below. The following shall be used as a minimum guide:

   WHERE CENTRAL HOT WATER IS  
   SUPPLIED FOR MULTI-FAMILY  
   HOUSING UNITS:

|  |  |  |
| --- | --- | --- |
| *Type of*  *Apartments* | *Minimum*  Heater Input\* | Minimum Storage *Capacity* |
| Efficiencies and 1-bedroom apartments | 3,825 Btu per hour per apt. | 8 gal. per apt. |
| 2-bedroom apartments | 6,680 Btu per hour per apt. | 10 gal. per apt. |
| 3-bedroom apartments | 9,545 Btu per hour per apt. | 12 gal. per apt. |

\*Based on 70% fuel efficiency. If other than oil or gas is used an adjustment for fuel efficiency may be used.

Where dwelling units have individual water heaters, there shall be provided a system capable of supplying one hundred forty (140) degree water in an amount of sixteen (16) gallons per bedroom per three (3) hours.

An adequately designed solar system is acceptable if there is incorporated in the design a thermostatically controlled booster with Btu input equivalent to that specified above.

Instantaneous or tankless systems are acceptable if they are designed to raise the required volume of water seventy (70) degrees Fahrenheit. The required volume of water shall be determined by the fixture unit method as set forth in the National Bureau of Standards BMS 66.

All such facilities shall be of an approved type, connected and maintained all as provided in the South Florida Building Code and any fire regulations or ordinances now in existence or adopted subsequent hereto.

(6) Every occupied dwelling unit shall be provided with an installed nonportable cooking facility which shall not be capable of being carried easily by one (1) person, and shall have at least two (2) top burners. Vacant dwelling units shall be provided with utility connections for such facility.

(7) Every dwelling unit shall have adequate garbage disposal facilities or garbage storage containers.

(8) Every dwelling structure and dwelling unit of types of construction I, II, III, IV and V as defined by Chapters 17, 18, 19, 20, 21 and 22 respectively of the South Florida Building Code shall have means of egress which conform to the standards of Chapter 31 of the South Florida Building Code and any applicable fire codes, fire regulations or ordinances now in existence or adopted subsequent hereto. Every dwelling structure of type of construction V, built before December 31, 1957, where the structural and other elements of the building consist primarily of wood, having one (1) or two (2) dwelling units above the ground floor, shall have a minimum of two (2) separate means of egress which are remote from each other or at least one (1) means of egress with stairs that are constructed of either noncombustible materials or made safe by approved fire resistive modifications as may be required. Each such means of egress shall be easily accessible for every dwelling unit on the specified floor without passing through any other dwelling unit. Every dwelling structure of type of construction V, where the structural and other elements consist primarily of wood having three (3) or more dwelling units, shall have means of egress which conform with the provisions of the South Florida Building Code and any applicable fire codes, fire regulations or ordinances now in existence or adopted subsequent hereto.

(9) In every owner-occupied dwelling unit not intended to be let for occupancy containing space heating facilities, such facilities shall be properly installed and maintained in safe and good working conditions as provided in the South Florida Building Code and any applicable fire regulations or ordinances now in existence or adopted subsequent hereto.

Every dwelling and dwelling unit which is let or intended to be let for occupancy shall have adequate space heating facilities which are properly installed and maintained in safe and good working condition as provided in the South Florida Building Code and any applicable fire regulations or ordinances now in existence or adopted subsequent hereto. Adequate heating facilities are hereby defined as follows:

(a) Permanent space heating equipment capable of heating two-thirds of the habitable rooms to a minimum air temperature of seventy (70) degrees Fahrenheit to be measured three (3) feet above floor when outside temperature is forty-five (45) degrees Fahrenheit, or permanent space heating equipment with capacity of five (5) Btu's per hour of input per cubic foot of habitable room space within two-thirds of the habitable rooms.

(b) The five (5) Btu's per hour input standard is based on a heating unit with seventy (70) percent rating of input-to-output efficiency; an appropriate correction factor will be applied when the proposed heating unit exceeds an input-to-output efficiency rating of seventy (70) percent. Heating units supplied on the basis of this calculation will otherwise comply with the standards described elsewhere in this subsection.

(c) Permanent heating equipment is defined as heating equipment properly connected to a flue or vent or, if electric, properly installed and permanently connected to an adequately wired and sized branch circuit.

(d) Habitable room shall mean a room or enclosed floor space used or intended to be used for living, sleeping, cooking or eating purposes, excluding bathrooms, shower rooms, water closet compartments, laundries, pantries, foyers, connecting corridors, closets and storage spaces.

(e) Heating equipment shall be installed and maintained in accordance with the provisions of the South Florida Building Code.

(f) Any calculations necessary for the installation of permanent heating equipment to assure adequate heating capacity as defined in this section, shall be made in accordance with the standards established in the current edition of the "Heating, Ventilating, Air-Conditioning Guide," published by the American Society of Heating and Air-Conditioning Engineers, Inc.

(g) Oil heaters, gas heaters, and wood-stoves must be connected to a properly installed vent, said vent conforming to the provisions of the South Florida Building Code.

(h) Electric heaters will be of a type readily fixed into position and must be properly installed and permanently connected to an adequately wired and sized branch circuit.

(i) Any portable heating device approved by the Underwriters' Laboratories, Inc., or a properly installed fireplace may be used as an accessory heating unit.

(j) Accessory heating units will be deemed to be supplementary to the permanent heating equipment and shall not be considered when calculating the adequacy of the permanently installed heating equipment except as specified in subsection (9)(m).

(k) Only those accessory heating units which are acceptable under the provisions of the City of Miami and Miami-Dade County Fire Code, the Florida State Hotel and Restaurant Commission regulations, and other regularly adopted regulations will be used.

(l) The use of unsafe heaters or cooking stoves and the use of cooking stoves, including ovens, for heating purposes is hereby prohibited.

(m) The requirements of subsection (9) shall not apply to dwelling units in existence on March 17, 1969, provided that either a gas pipe outlet or an electrical outlet and circuit are present for the use of gas space heaters or portable electrical space heaters.

(Ord. No. 68-14, § 20, 3-5-68; Ord. No. 68-77, § 1, 12-17-68; Ord. No. 71-24, § 1, 3-4-71; Ord. No. 74-44, § 5, 6-18-74)

Sec. 17-60. Minimum standards for light and ventilation.

No person shall occupy or let to another for occupancy, any dwelling or dwelling unit for the purpose of living, sleeping, cooking, or eating therein, which does not comply with the following requirements:

(1) (a)  
Every habitable room shall have at least one (1) window or skylight facing directly to the outdoors. The minimum total window area which provides light to each habitable room shall be not less than ten (10) percent of the floor area of such room. Whenever exterior walls or other light-obstructing structures are located less than three (3) feet from the window and extend above the ceiling of the room, such a window shall not be deemed to face directly to the outdoors and shall not be included in the required minimum total window area. Whenever the only window in a room is a skylight-type window located in the top of such room, the minimum total window area of such skylight shall not be less than fifteen (15) percent of the total floor area of the room. Skylights shall not be a substitute for the window requirement in sleeping rooms.

(b)  
Kitchens and dining rooms will be exempt from the requirements of subsection (1)(a) of this section, providing they meet the requirements in subsections (2) and (6) of this section.

(c)  
If any two (2) habitable rooms, excluding sleeping rooms, are separated by a common wall and either room lacks the required window area, but meets all three (3) exceptions listed below, such rooms shall be considered in compliance with this subsection.

(i) The common wall separating the two (2) rooms must provide an opening equal to twenty-five (25) percent of the total wall area.

(ii) If the opening so provided is a doorway, it must be unobstructed and have a minimum width of thirty (30) inches.

(iii) One (1) of the two (2) rooms must provide the required light and ventilation for the total combined floor area of the two (2) rooms.

(2) Every habitable room shall be ventilated by openable areas equal to fifty (50) percent of the required minimum window area, as set forth in subsection (1) of this section or by equivalent mechanical ventilation as approved by the inspecting officer.

(3) Every bathroom, shower room and water closet compartment shall comply with the light and ventilation requirements for habitable rooms contained in subsections (1) and (2) of this section, except that no window or skylight shall be required in adequately ventilated bathrooms, shower rooms and water closet compartments equipped with an approved mechanical ventilating system which automatically becomes operational when the bathroom switch is turned on.

(4) Every door, window or other device opening to outdoor space and used or intended to be used for ventilation shall be provided with an approved type of screen for protection against mosquitoes, flies and other insects.

(5) Every opening beneath a dwelling, including basement or cellar windows and crawl space, shall be equipped with an approved type of screening or lattice work to keep out large animals.

(6) Every habitable room of such a dwelling shall contain at least two (2) separate floor or wall-type electrical convenience outlets, or one (1) such convenience outlet and one (1) ceiling-type electric light fixture. Every bathroom, shower room, water closet, compartment and laundry room shall contain at least one (1) properly installed ceiling or wall-type electric light fixture. The switches shall be so located and installed as to avoid the danger of electrical shock.

(7) Every hall and stairway located in a structure used for human habitation shall be provided with not less than one (1) footcandle of natural light throughout or with properly installed electric lighting facilities which provide not less than one (1) footcandle of illumination throughout and which are controlled by the occupants of the structure and available at all times.

(Ord. No. 68-14, § 21, 3-5-68; Ord. No. 78-7, § 2, 2-21-78)

Sec. 17-61. Requirements relating to the safe and sanitary maintenance of dwellings and dwelling units.

No person shall occupy, or let to another for occupancy, any dwelling or dwelling unit, for the purpose of living, sleeping, cooking, or eating therein, which does not comply with the following requirements:

(1) All foundation walls shall be structurally sound, reasonably rodentproof, and maintained in good repair. Foundation walls shall be considered to be sound if they are capable of bearing imposed loads and are not deteriorated.

(2) Every dwelling unit shall be reasonably weathertight, watertight and rodentproof. Floors, walls, ceilings and roofs shall be capable of affording adequate shelter and privacy and shall be kept in good repair. Windows and exterior doors shall be reasonably weathertight, watertight and rodentproof, and shall be maintained in good working condition. All parts of the structure that show evidence of rot or other deterioration shall be repaired or replaced.

(3) Every inside and outside stairway, porch, and every appurtenance thereto, shall be maintained in a safe condition and be capable of supporting loads which normal use may impose.

(4) Every chimney and smoke pipe, and all flue and vent attachments thereto, shall be maintained in such condition that there will be no leakage or backing up of smoke and noxious gases into the dwelling.

(5) All exterior surfaces subject to deterioration shall be properly maintained and protected from the elements by paint or other approved protective coating applied in a workmanlike fashion.

(6) Every plumbing fixture, water pipe, waste pipe and drain shall be maintained in good sanitary working condition, free from defects, leaks and obstructions.

(7) The floor surface of every water closet compartment, bathroom and shower room shall be maintained so as to be reasonably impervious to water and so as to permit such floor to be easily kept in a clean and sanitary condition.

(8) Every supplied facility, piece of equipment, or utility required in this article shall be maintained in a safe and satisfactory working condition. No owner or occupant shall cause any service, facility, equipment, or utility required in this article to be removed from or discontinued for any occupied dwelling or dwelling unit except for such temporary interruption as may be necessary while actual repairs, replacement, or alterations are in process.

(9) For these purposes, every owner of a building containing three (3) or more dwelling units shall provide the continuing service of a person or persons solely to assure that the minimum requirements of maintenance and sanitation, as provided by this article, are maintained on the premises at all times. The landlord shall provide the tenant with the name, address, and phone number of the person or persons providing the continuing service. Said notice shall be given to the tenant by either posting the notice in a conspicuous place at the building site or by supplying the tenant with the information at the inception of the lease. The landlord is further charged with informing the tenant of any change of name, address, or phone number of the person or persons providing the continuing service.

(Ord. No. 68-14, § 22, 3-5-68; Ord. No. 73-36, § 2, 4-3-73)

Sec. 17-62. Minimum space, use and location requirements.

No person shall occupy, or let to another for occupancy, any dwelling or dwelling unit for the purpose of living therein, which does not comply with the following requirements:

(1) Every dwelling unit shall contain a minimum gross floor area of at least one hundred fifty (150) square feet for the first occupant, one hundred (100) square feet for each of the next two (2) occupants, and at least seventy-five (75) square feet for each occupant thereafter. Floor space shall be calculated on the basis of total habitable room area.

(2) In every dwelling unit of two (2) or more habitable rooms, every room occupied for sleeping purposes by one (1) occupant shall have a minimum gross floor area of at least eighty (80) square feet. Every room occupied for sleeping purposes by more than one (1) occupant shall have a minimum gross floor area of fifty (50) square feet per occupant. Every room used for sleeping purposes shall have a minimum width of eight (8) feet. Kitchens shall not be used for sleeping purposes. Porches shall not be used as permanent sleeping quarters.

(3) At last one-half of the floor area of every habitable room shall have a ceiling height of at least seven (7) feet. Any portion of a room having a ceiling height of less than five (5) feet shall not be considered in computing the total floor area of such room.

(4) No dwelling or dwelling unit containing two (2) or more sleeping rooms shall be so arranged that access to a bathroom, shower room, or water closet compartment intended for use by occupants of more than one (1) sleeping room can be had only by going through another sleeping room or outside the structure, nor shall room arrangements be such that access to a sleeping room can be had only by going through another sleeping room, bathroom, shower room, or water closet compartment.

(5) No cellar or basement space shall be used as a habitable room or dwelling unit.

(Ord. No. 68-14, § 23, 3-5-68)

Sec. 17-63. Responsibilities of owners and occupants.

No person shall occupy, or let to another for occupancy, any dwelling or dwelling unit for the purpose of living therein, which does not comply with the following requirements:

(1) Every dwelling unit shall be clean, sanitary and fit for human habitation.

(2) Every occupant of a dwelling or dwelling unit shall keep in a clean and sanitary condition that part of the dwelling, dwelling unit and premises thereof which he occupies and controls, including yards, lawns, courts and driveways. The provisions of this subsection shall also apply to vacant lots and to premises of business establishments located in proximity to dwellings and dwelling units.

(3) Every owner of a building containing three (3) or more dwelling units shall be responsible for maintaining in a clean and sanitary condition the shared or public areas of the dwelling and premises thereof. For this purpose, every owner of a building containing three (3) or more dwelling units shall provide the continuing services of a person or persons solely to assure that minimum requirements of maintenance and sanitation as provided by this article are maintained on the premises at all times.

(4) Exterior premises shall be kept free from the excessive growth of weeds, grass and other flora. The term "excessive" shall be interpreted as detrimental to the health, safety, or welfare of the occupants or the public. The provisions of this subsection shall also apply to vacant lots and to the premises of building establishments located in proximity to dwellings and dwelling units.

(5) Every occupant of a dwelling unit shall keep all plumbing fixtures, sanitary facilities, appliances and equipment therein in a clean and sanitary condition and shall exercise reasonable care in the proper use and operation thereof.

(6) Every occupant of a dwelling or dwelling unit shall dispose of rubbish, garbage and other waste materials in an approved sanitary manner. Garbage shall be placed in the garbage disposal facilities or storage containers required by this article.

(7) Every occupant of a dwelling containing a single dwelling unit shall be responsible for the extermination of any insects, rodents, vermin, or other pests therein or on the premises. Every occupant of a dwelling unit in a building containing more than one (1) dwelling unit shall be responsible for such extermination whenever his dwelling unit is the only one infested, except that whenever such infestation is caused by the failure of the owner to carry out the provisions of this article, extermination shall be the responsibility of the owner. In every dwelling containing one (1) or more units, the owner shall exterminate all infestations of any insects, rodents, vermin or other pests therein or on the premises except where such pests are the responsibility of the occupant as provided in the preceding sentence.

(8) Every owner of a dwelling or dwelling unit shall, before renting or subletting to another occupant, provide approved door and window screens whenever such screens are required under the provisions of this article and shall repair or replace them when necessary.

(9) Upon commencement of each occupancy, the owner of every dwelling unit which is let for occupancy, furnished, shall initially deliver to the occupant personal property constituting housekeeping equipment, which is operable, clean, safe and sanitary.

(10) Every owner of a dwelling shall grade and maintain the exterior premises so as to prevent the accumulation of stagnant water thereon.

(11) Animals and pets shall not be kept in any dwelling or dwelling unit or on any premises in such a manner as to create insanitary conditions or constitute a nuisance.

(12) No owner shall let for occupancy any dwelling unit that is not provided with adequate heating facilities of an approved type properly installed and maintained in safe and good working condition as provided in the South Florida Building Code and any applicable fire regulations or ordinances now in existence or adopted subsequent hereto.

(Ord. No. 68-14, § 24, 3-5-68)

Sec. 17-64. Maintenance of nondwelling structures and fences.

Every accessory structure used for nondwelling purposes such as a garage, carport, cabana, storage building, etc., and every fence shall comply with the following requirements:

(1) Every foundation, exterior and interior wall, roof, floor, ceiling window and exterior door shall be structurally sound and maintained in good repair.

(2) Every accessory structure shall be kept in a reasonably clean and sanitary condition free from rodents, insects, and vermin.

(3) The roof of every accessory structure shall be well drained of rainwater.

(4) All exterior surfaces subject to deterioration shall be properly maintained and protected from the elements by paint or other approved protective coating, applied in a workmanlike fashion.

(5) Every plumbing fixture, water pipe, waste pipe and drain shall be maintained in good sanitary working condition, free from defects, leaks and obstructions.

(Ord. No. 68-14, § 25, 3-5-68)

Sec. 17-65. Minimum standards for hotels and rooming houses.

No person shall operate a hotel or rooming house, or shall occupy or let to another for occupancy, any hotel unit or rooming unit which does not meet with all of the other standards of this article, except as provided by the following requirements:

(1) No person shall operate a hotel or rooming house unless he has complied with all applicable licensing and permit requirements.

(2) Every room occupied for sleeping purposes by one (1) person shall contain at least seventy (70) square feet of floor space and every room occupied for sleeping purposes by more than one (1) person shall contain at least fifty (50) square feet of floor space for each occupant thereof. Every room occupied for sleeping purposes shall have a minimum width of eight (8) feet and an average floor to ceiling height of seven (7) feet.

(3) At least one (1) flush water closet, lavatory basin and bathtub or shower, properly connected to an approved water system and sewer system or an approved septic tank installation and absorption bed, and in good working condition, shall be supplied for each six (6) persons or fraction thereof residing within a hotel or rooming house, including members of the operator's family whenever they share the use of said facilities. In a hotel or rooming house where rooms are let only to males, flush urinals may be substituted for not more than one-half the required number of water closets. All water closets, urinals, bathtubs, or showers shall be located within a room or rooms which afford privacy to the user and are not more than one (1) story removed from the hotel or rooming unit of any occupant intended to share the facilities. All such facilities shall be so located within the hotel or rooming house as to be accessible to the occupants of each hotel or rooming unit sharing such facilities without going outside of the building or without going through a dwelling, hotel, or rooming unit of another occupant. Every lavatory basin, bathtub or shower shall be supplied with hot and cold water at all times.

(4) No cellar or basement space shall be used as a habitable room or as a hotel or rooming unit.

(5) The operator of every hotel or rooming house shall change supplied bed linen and towels at least once each week and prior to the letting of any room to any occupant. The operator shall be responsible for maintaining all supplied bedding in a clean and sanitary manner.

(6) The operator of every hotel or rooming house shall be responsible for the sanitary maintenance of all walls, floors, ceilings and other parts and further he shall be responsible for the sanitary maintenance of the entire premises where all of the building is under the control of such operator.

(7) Every window of every hotel or rooming unit shall be supplied with shades, draw drapes, or other devices or materials which, when properly used, will afford privacy to the occupant of the hotel or rooming unit. No cooking shall be permitted in hotel and rooming units which are not equipped with approved kitchen facilities and do not meet minimum dwelling unit standards.

(8) Every hotel or rooming structure and hotel or rooming unit of types of construction I, II, III, IV and V as defined by [Chapter 17](../level2/PTIIICOOR_CH17HO.docx#PTIIICOOR_CH17HO), 18, 19, 20, 21 and 22 respectively of the South Florida Building Code shall have means of egress which conform to the standards of Chapter 31 of the South Florida Building Code and any applicable fire codes, fire regulations or ordinances now in existence or adopted subsequent hereto. Every hotel or rooming structure of type of construction V, built before December 31, 1957, where the structural and other elements of the building consist primarily of wood, having one (1) or two (2) hotel or rooming units above the ground floor, shall have a minimum of two (2) separate means of egress which are remote from each other or at least one (1) means of egress with stairs that are constructed of either noncombustible materials or made safe by approved fire resistive modifications as may be required. Each such means of egress shall be easily accessible from every hotel or rooming unit on the specified floor without passing through any other hotel, rooming, or dwelling unit. Every hotel or rooming structure of type of construction V, where the structural and other elements consist primarily of wood having three (3) or more hotel, rooming or dwelling units, shall have means of egress which conform with the provisions of the South Florida Building Code and any applicable fire regulations or ordinances now in existence or adopted subsequent hereto.

(9) The operator of every hotel or rooming house shall be responsible for keeping the premises free from the accumulation of rubbish at all times.

(10) The operator of every hotel or rooming house shall be responsible for the prompt and sanitary disposal of all garbage through the use of approved mechanical equipment or by placing it in the required containers.

(11) The operator of every hotel or rooming house shall be responsible for providing and hanging all window and door screens.

(12) The operator of every hotel or rooming house shall be responsible for the extermination of any insects, rodents, vermin, or other pests therein and shall be further responsible for such extermination on the entire premises where all of the building within which the hotel or rooming house is contained is leased or rented by the operator. Whenever infestation is caused by failure of the owner to maintain the building in a reasonably insectproof or ratproof condition, extermination shall be the responsibility of the owner.

(13) It shall be the duty of the operator of every hotel or rooming house to report to the Miami-Dade County Health Department within twenty-four (24) hours the name of any person living in the hotel or rooming house who is believed to be afflicted with any communicable disease.

(14) No owner shall let for occupancy any rooming unit or hotel unit that is not provided with adequate heating facilities of an approved type properly installed and maintained in safe and good working condition as provided in the South Florida Building Code and any applicable fire regulations or ordinances now in existence or adopted subsequent hereto. Adequate heating facilities are hereby defined as follows:

(a) Permanent space heating equipment capable of heating two-thirds of the habitable rooms to a minimum air temperature of seventy (70) degrees Fahrenheit to be measured three (3) feet above floor when outside temperature is forty-five (45) degrees Fahrenheit, or permanent space heating equipment with capacity of five (5) Btu's per hour of input per cubic foot of habitable room space within two-thirds of the habitable rooms.

(b) The five (5) Btu's per hour input standard is based on a heating unit with seventy (70) percent rating of input-to-output efficiency, an appropriate correction factor will be applied when the proposed heating unit exceeds an input-to-output efficiency rating of seventy (70) percent. Heating units supplied on the basis of this calculation will otherwise comply with the standards described elsewhere in this subsection.

(c) Permanent heating equipment is defined as heat-equipment properly connected to a flue or vent or, if electric, properly installed and permanently connected to an adequately wired and sized branch circuit.

(d) Habitable room shall mean a room or enclosed floor space used or intended to be used for living or sleeping purposes, excluding bathrooms, shower rooms, water closet compartments, laundries, pantries, foyers, connecting corridors, closets and storage spaces.

(e) Heating equipment shall be installed and maintained in accordance with the provisions of the South Florida Building Code.

(f) Any calculations necessary for the installation of permanent heating equipment to assure adequate heating capacity as defined in this section, shall be made in accordance with the standards established in the current edition of the "Heating, Ventilating, Air-Conditioning Guide," published by the American Society of Heating and Air-Conditioning Engineers, Inc.

(g) Oil heaters, gas heaters, and wood-stoves must be connected to a properly installed vent, said vent conforming to the provisions of the South Florida Building Code.

(h) Electric heaters will be of a type readily fixed into position and must be properly installed and permanently connected to an adequately wired and sized branch circuit.

(i) Any portable heating device approved by the Underwriters' Laboratories, Inc., or a properly installed fireplace may be used as an accessory heating unit.

(j) Accessory heating units will be deemed to be supplementary to the permanent heating equipment and shall not be considered when calculating the adequacy of the permanently installed heating equipment except as specified in subsection (14)(m).

(k) Only those accessory heating units which are acceptable under the provisions of the City of Miami and Miami-Dade County Fire Code, the Florida State Hotel and Restaurant Commission regulations, and other regularly adopted regulations will be used.

(l) The use of unsafe heaters or cooking stoves and the use of cooking stoves, including ovens, for heating purposes is hereby prohibited.

(m) The requirements of subsection (14) shall not apply to units or hotel units in existence on March 17, 1969, provided that either a gas pipe outlet or an electrical outlet and circuit are present for the use of gas space heaters or portable electrical space heaters.

(15) The use of unsafe heaters or cooking stoves is prohibited. All such facilities shall be of an approved type properly installed and maintained in safe and good working condition as provided in the South Florida Building Code and any applicable fire regulations or ordinances now in existence or adopted subsequent hereto.

(Ord. No. 68-14, § 26, 3-5-68; Ord. No. 68-77, § 2, 12-17-68; Ord. No. 71-24, § 2, 3-4-71; Ord. No. 74-44, § 6, 6-18-74)

Sec. 17-66. Designation of dwellings, hotels and rooming houses as unfit for human habitation and procedures for placarding.

The designation of dwellings, dwelling units, hotels and rooming houses as unfit for human habitation and the procedure for placarding as unfit for human habitation of such unfit dwellings, dwelling units, hotels and rooming houses shall be carried out in compliance with the following requirements: Any dwelling, dwelling unit, hotel, hotel unit, rooming house or rooming unit which shall be found to have any of the following defects shall be designated by the Minimum Housing Enforcement Officer or his assistant as unfit for human habitation and shall be so placarded.

(1) One which is so damaged, decayed, dilapidated, unsanitary, unsafe, or vermin infested that it creates a serious hazard to the health or safety of the occupants or of the public.

(2) One which lacks illumination, ventilation or sanitation facilities adequate to protect the health or safety of the occupants or of the public.

(3) One which, because of its general condition or location, is unsanitary or otherwise dangerous to the health or safety of the occupants or of the public.

Any dwelling, dwelling unit, hotel, hotel unit, rooming house or rooming unit declared unfit for human habitation by the Minimum Housing Enforcement Officer or his assistant shall be so designated by posting a placard in a conspicuous place on the structure.

A dwelling, dwelling unit, hotel, hotel unit, rooming house or rooming unit deemed to be unfit for human habitation and placarded as such by the Minimum Housing Enforcement Officer or his assistant shall be vacated within thirty (30) days of placarding as ordered by Team Metro and shall not be used for human habitation again until written approval is secured from, and the placard removed by, Team Metro. Team Metro shall order the removal of the placard whenever the defect or defects upon which the placarding actions were based have been eliminated.

No person shall deface or remove the placard from any dwelling, dwelling unit, hotel, hotel unit, rooming house or rooming unit which has been deemed to be unfit for human habitation and placarded as such, by the Minimum Housing Enforcement Officer or his assistant except as provided in the foregoing subsection.

Any person whose property has been placarded as unfit for human habitation may request and shall be granted a hearing on the matter before the Hearing Officer.

Where the Minimum Housing Enforcement Officer or his assistant determines that a building is an unsafe building within the provisions of Section 202 of the South Florida Building Code, he shall immediately report the matter to the Building Official.

(Ord. No. 68-14, § 27, 3-5-68; Ord. No. 88-15, § 1, 3-15-88; Ord. No. 95-215, § 1, 12-5-95; Ord. No. 98-125, § 10, 9-3-98; Ord. No. 07-148, § 18, 10-2-07)

Sec. 17-67. Exceptions.

The provisions of this article shall not be applicable to migrant labor camps, as defined by Section 381.422, Florida Statutes, nor to tourist or trailer camps, as defined by Section 513.01, Florida Statutes, which hold valid, current licenses issued by the Florida State Board of Health. The provisions of this article shall not be applicable to temporary housing as defined in [Section 17-46](../level3/PTIIICOOR_CH17HO_ARTIIICIMIMIHOST.docx#PTIIICOOR_CH17HO_ARTIIICIMIMIHOST_S17-46DE) of this article nor to temporary housing utilized for dwelling purposes in times of local emergency, disaster, or urgent necessity, as determined by the Unsafe Structures and Hearing Officer. The provisions of this article shall be applicable to all other dwellings, housing and buildings and buildings used or intended for use for human habitation.

(Ord. No. 68-14, § 28, 3-5-68; Ord. No. 07-148, § 19, 10-2-07)

Sec. 17-68. Judicial review.

Any person or persons, jointly or severally, aggrieved by any final action taken or final decision rendered pursuant to the provisions of this article, may seek to have such action or decisions reviewed by the Circuit Court of Miami-Dade County by petition for certiorari in the manner prescribed by the rules of court, provided such person or persons shall have first exhausted the administrative remedies provided for herein.

(Ord. No. 68-14, § 29, 3-5-68)

Sec. 17-69. Repeal clause.

This article is intended and shall be construed as constituting minimum standards for the City of Miami. To the extent of the minimum housing standards herein provided, all County and municipal ordinances, County and municipal resolutions, municipal charters, special laws applying only to Miami-Dade County or any general law which the County Commission is authorized by the Constitution to supersede, nullify or amend, and any part of any such ordinance, resolution, charter, or law in conflict with or inconsistent with the minimum housing standards herein established, are hereby repealed and superseded except as authorized by [Section 17-44](../level3/PTIIICOOR_CH17HO_ARTIIICIMIMIHOST.docx#PTIIICOOR_CH17HO_ARTIIICIMIMIHOST_S17-44COAP) of this article.

(Ord. No. 68-14, § 30, 3-5-68)

Sec. 17-70. Reserved.

FOOTNOTE(S):

--- (**4**) ---

**Editor's note—** Article III is derived from Ord. No. 68-14, §§ 2—30, adopted March 5, 1968, effective ten (10) days after enactment. This ordinance was originally codified as Article II pursuant to the authority of § 31 thereof, which authorized its inclusion as a part of this Code. Subsequently, the article was redesignated Art. III in order to facilitate inclusion of § 2 of Ord. No. 80-87 as § 17-01 of a new Art. I of this chapter. The history note following each section indicates the ordinance source and the Code Comparative Table lists all ordinance sections codified and the Code disposition thereof. [(Back)](#BK_9C7870FB1C60384980E55E5289A8AD47)

### ARTICLE IV. HOUSING ASSISTANCE (RESERVED) [[5]](#BK_247C6838A9B778A59A82DD78FFFAC4E0)

[Secs. 17-71—17-80. Reserved.](#BK_6292FE031503419A939293E4D7CAE301)

Secs. 17-71—17-80. Reserved.

FOOTNOTE(S):

--- (**5**) ---

**Editor's note—** At the discretion of the editor, former Art. IV, §§ 17-72 and 17-73, relative to housing assistance, has been deleted pursuant to § 8 of Ord. No. 83-81 which provided that these provisions shall be effective until October 1, 1993. The provisions of former Art. IV derived from Ord. No. 83-81, §§ 6, 7, 9-20-83; Ord. No. 84-40, § 1, 5-15-84; Ord. No. 84-86, § 1, 11-6-84; Ord. No. 84-90, § 1, 11-6-84; Ord. No. 86-3, § 1, 1-7-86; Ord. No. 86-19, § 2, 3-4-86; Ord. No. 89-2, § 1, 1-17-89; Ord. No. 89-51, § 1, 6-6-89; Ord. No. 91-77, § 1, 7-9-91; Ord. No. 92-53, § 1, 6-16-92; Ord. No. 92-145, § 1, 11-17-92) [(Back)](#BK_84C2020B355F55708636F358852067EC)

### ARTICLE V. PUBLIC NUISANCES ON LEASED PROPERTY [[6]](#BK_CFDA92841999E192E61DDB9324200676)

[Sec. 17-81. Legislative findings and intent.](#BK_CE9D6793D025D71E60C0C94598A4EA86)

[Sec. 17-82. Definitions.](#BK_278F5B434254FEDF2F431352665E75A3)

[Sec. 17-83. Tenant's obligation to maintain dwelling unit.](#BK_AC66781CA064CD434ADD1A36F6D5D08F)

[Sec. 17-84. Termination.](#BK_338049473A901D4EF5C39DE9E30E8ECF)

[Sec. 17-85. Aiding in the maintenance of a nuisance penalized.](#BK_26C272CCB3E8EBE5ADB54509F09121F4)

[Sec. 17-86. Exercise of police power.](#BK_158196B52BB05C677F1CD8ABA611F84C)

[Secs. 17-87—17-100. Reserved.](#BK_24F8DF21B5704442DCD49C71A05FA928)

Sec. 17-81. Legislative findings and intent.

This article is enacted pursuant to the provisions of the Miami-Dade County Home Rule Charter and Florida Statutes, Section 893.138, as it may be renumbered or amended from time to time.

The Board of County Commissioners of Miami-Dade County, hereby finds and declares that any places or premises which are used by tenants as the site of the unlawful sale or delivery of controlled substances, prostitution, youth and street gang activity, gambling, illegal sale or consumption of alcoholic beverages, or lewd or lascivious behavior, may be a public nuisance that adversely affects the public health, safety, morals, and welfare and renders that tenant subject to eviction. This Board also finds that it is the responsibility of landlords to take any reasonable measures to evict tenants who engage in such public nuisances on leased property and that imposing such a requirement will improve the quality of life of the residents of Miami-Dade County and safeguard the public health, safety, and welfare.

This article is hereby declared to be remedial and essential to the public interest and it is intended that this article be liberally construed to effect the purposes as stated above. The provisions of this article and the standards set forth herein shall be applicable only to the unincorporated areas of Metropolitan Miami-Dade County, Florida.

The provisions of this article shall be cumulative and supplemental to and not in derogation of any provision of the Florida Statutes, the Code of Metropolitan Miami-Dade County, or any other applicable law.

(Ord. No. 94-113, § 1(A), 6-9-94)

Sec. 17-82. Definitions.

[As used in this article the following words and terms shall have the meanings respectively ascribed:]

(1) *Dwelling unit* means:

a. A structure or part of a structure that is rented for use as a home, residence, or sleeping place by one person or by two or more persons who maintain a common household.

b. A mobile home rented by a tenant.

c. A structure or part of a structure that is furnished, with or without rent, as an incident of employment for use as a home, residence, or sleeping place by one or more persons.

(2) *Landlord* means the owner or lessor of a dwelling unit.

(3) *Tenant* means any person entitled to occupy a dwelling unit under a rental agreement.

(4) *Premises* means a dwelling unit and the structure of which it is a part and a mobile home lot and the appurtenant facilities and grounds, areas, facilities, and property held out for the use of tenants generally.

(5) *Public nuisance* means any place or premise which within a six-month period has been used on more than two (2) occasions:

a. As the site of the unlawful sale or delivery of controlled substances, or

b. By a youth and street gang for the purpose of conducting a patter of youth and street gang activity, or

c. For prostitution, or solicitation of prostitution, or

d. For illegal gambling, or

e. For the illegal sale or consumption of alcoholic beverages, or

f. For lewd or lascivious behavior, or

g. Any premise or place declared to be a nuisance by Florida Statute, Section 823.05 or Section 823.10 as they may be renumbered or amended from time to time.

(6) *Rental agreement* means any written agreement, or oral agreement if for less duration than one (1) year, providing for use and occupancy of premises.

(Ord. No. 94-113, § 1(B), 6-9-94)

Sec. 17-83. Tenant's obligation to maintain dwelling unit.

In addition to those requirements imposed by Section 83.52, Florida Statutes, tenant shall not use the premises or any part thereof for the purposes of engaging in any public nuisance.

(Ord. No. 94-113, § 1(C), 6-9-94)

Sec. 17-84. Termination.

In addition to the rights and remedies granted by Chapter 83.56, Florida Statutes, if a tenant materially fails to comply with the provisions of [Section 17-83](../level3/PTIIICOOR_CH17HO_ARTVPUNULEPR.docx#PTIIICOOR_CH17HO_ARTVPUNULEPR_S17-83TEOBMADWUN) above, the landlord may terminate the rental agreement in the manner provided by Chapter 83, Florida Statutes.

(Ord. No. 94-113, § 1(D), 6-9-94)

Sec. 17-85. Aiding in the maintenance of a nuisance penalized.

Whoever, by himself, his servant, clerk or agent, knowingly allows or permits premises owned by him or under his control to be used for a public nuisance, or after due notice of any such use fails to take all reasonable measures to either abate the nuisance or terminate the rental agreement and to evict therefrom the persons occupying said premises, shall be punished by fine of not more than five hundred dollars ($500.00) or imprisonment for no more than sixty (60) days. A person will be deemed to have knowledge of such public nuisance if the resident manager, superintendent of the premises, resident agent, or any other person designated by the landlord to manage, control or operate the premises has such knowledge.

(Ord. No. 94-113, § 1(E), 6-9-94)

Sec. 17-86. Exercise of police power.

It is deemed by the Board of County Commissioners of Miami-Dade County, Florida, that this article is necessary and lawful exercise of the police power of the County for the protection of the public health, welfare, and safety of the people of Miami-Dade County and shall be liberally construed to accomplish such purposes.

(Ord. No. 94-113, § 1(F), 6-9-94)

Secs. 17-87—17-100. Reserved.

FOOTNOTE(S):

--- (**6**) ---

**Editor's note—** Ord. No. 94-113, § 1, adopted June 9, 1994, amended the Code by the addition of Section 17-8, which provisions have been included herein at the discretion of the editor as Art. V, §§ 17-81—17-86. [(Back)](#BK_4E3475FEB21088772B4E2A8441FF92E1)

### ARTICLE VI. LOCAL HOUSING ASSISTANCE PROGRAM [[7]](#BK_B340BD58B2EA4999F7CF8D44BE0C059A)

[Sec. 17-101. Definitions.](#BK_51A4532731E9D266911BCB510447FE9D)

[Sec. 17-102. Establishment of the Local Housing Assistance Program.](#BK_D2F2728C0C8499447501B4BF84922E60)

[Sec. 17-103. Administration and implementation of Miami-Dade County's Local Housing Assistance Program.](#BK_A3864EE9C7D5E41EDCBC2A8241D5E3FA)

[Sec. 17-104. Local Housing Assistance Trust Fund.](#BK_C86A2A6443E55ACC7C619B3E0DF0004D)

[Sec. 17-105. Local housing partnership.](#BK_070018A73A889993E8B5F1FFB3925C01)

[Sec. 17-106. Affordable Housing Advisory Board powers and duties.](#BK_1423EDBFC1BAF1428CCB42AAEA95CD36)

[Sec. 17-107. Staff support.](#BK_9CD720F5BD19866A40F4FF3EEB9CCDAC)

[Sec. 17-108. Liberal construction to effectuate public purpose.](#BK_69C06301F87D6B7012C84FB3453907AF)

[Secs. 17-109—17-120. Reserved.](#BK_92EBC49FA3535E1612ED660ED925CB09)

Sec. 17-101. Definitions.

For purposes of this article, Miami-Dade County hereby adopts the definitions set forth in the State Housing Initiatives Partnership Act contained in Section 420.9071 of the Florida Statutes as amended or in its successor statute and in Chapter 9I-37 of the Florida Administrative Code, as amended or its successor chapter.

(Ord. No. 95-70, § 1, 4-18-95; Ord. No. 97-65, § 3, 5-20-97)

Sec. 17-102. Establishment of the Local Housing Assistance Program.

Miami-Dade County shall use any funds received from the State Housing Initiative Partnership Program (the "SHIP Program") and other sources, to implement Miami-Dade County's Local Housing Assistance Program, which is hereby created and established. Assistance provided under this program to persons and families will be secured by a mortgage or a grant agreement. The Miami-Dade County Local Housing Assistance Program shall consist of the following components:

(a) *Housing Development Assistance.* The Housing Development Assistance component provides funding to defray the costs of land acquisition, site development, new construction, rehabilitation and/or other costs associated with the development of single-family homeownership and affordable rental housing units. It is the intent of this program to increase housing opportunities for very-low, low and moderate income persons by encouraging the creation and rehabilitation of affordable housing units.

(b) *Down Payment Assistance.* The Down Payment Assistance component provides down payment, and closing costs assistance to qualified very-low, low and moderate-income persons to assist in the purchase of rehabilitated or newly constructed single-family homeownership affordable housing units.

(c) *Housing Rehabilitation.* The Housing Rehabilitation component provides financing to single-family homeowners to assist them in making necessary repairs to their home. The house must be owner-occupied as the homeowner's primary place of residence.

(d) *Homeownership Assistance.* The Homeownership Assistance component provides funds to very-low, low and moderate-income persons to acquire newly-constructed and existing homeownership affordable housing units.

(e) *Home Buyer Education and Counseling.* The Home Buyer Education and Counseling component provides education and counseling to eligible persons regarding the purchase and financing of single-family affordable housing units. Homebuyer counseling is a requirement for homeownership assistance.

(f) *Other strategies/components.* Miami-Dade County will develop and implement other affordable housing strategies/components, inclusive of Surtax programs within [Section 29-7](../level3/PTIIICOOR_CH29TA_ARTIINGE.docx#PTIIICOOR_CH29TA_ARTIINGE_S29-7DOST) of the County Code that are in accordance with Sections 420.9070 through 420.9079 of the Florida Statutes, Chapter 9I-37 of the Florida Administrative Code, and other federal and local requirements. Such strategies/components will conform to the local housing assistance plan and shall be approved by the Board of County Commissioners.

(Ord. No. 95-70, § 2, 4-18-95; Ord. No. 97-65, § 3, 5-20-97; Ord. No. 07-18, § 2, 2-6-07)

Sec. 17-103. Administration and implementation of Miami-Dade County's Local Housing Assistance Program.

(a) The Housing Finance Authority of Miami-Dade County, Office of Community and Economic Development ("OCED"), Miami-Dade Housing Agency ("MDHA") or its successor department shall be responsible for implementation and administration of the Local Housing Assistance Program and will implement the Local Housing Assistance Program in conjunction with a Local Housing Partnership which is defined in [Section 17-105](../level3/PTIIICOOR_CH17HO_ARTVILOHOASPR.docx#PTIIICOOR_CH17HO_ARTVILOHOASPR_S17-105LOHOPA) of this article. At a minimum, the Housing Finance Authority of Miami-Dade County, OCED, or Miami-Dade Housing Agency shall be responsible for the following:

(1) Overseeing the receipt and expenditure of SHIP Program and other housing program funds assigned by the County Manager in accordance with applicable guidelines including the State Housing Initiatives Partnership Act and the Miami-Dade County Affordable Housing Program Guidelines;

(2) coordinating with state agencies, municipalities within Miami-Dade County and other public and private entities to promote the construction and development of affordable housing; and

(3) evaluating the effectiveness of the County's Local Housing Assistance Program and providing recommendations to the County Manager on an annual basis as to the performance of the program.

(b) The cost of administering Miami-Dade County's Local Housing Assistance Program with SHIP Program funds shall not exceed ten (10) percent of the local housing distribution of SHIP Program funds deposited into the Local Housing Assistance Trust Fund.

(c) The revised affordable housing program will operate in conjunction with and as an integral part of the housing plans and strategies contained in the new Consolidated Plan required to receive and expend funds from Community Development Block Grant, HOME Investment Partnership, and Emergency Shelter Grant from the United States Department of Housing and Urban Development.

(Ord. No. 95-70, § 3, 4-18-95; Ord. No. 97-65, § 3, 5-20-97; Ord. No. 07-18, § 3, 2-6-07; Ord. No. 07-98, § 1, 7-10-07)

Sec. 17-104. Local Housing Assistance Trust Fund.

(a) The Local Housing Assistance Trust Fund is hereby created and established.

(b) All local housing distributions of SHIP Program funds received by Miami-Dade County, other funds received or budgeted to provide funding for the Local Housing Assistance Program and funds generated from Local Housing Assistance Program activities such as earned interest on loans shall be deposited into the Local Housing Assistance Trust Fund. The Local Housing Assistance Trust Fund shall be operated in compliance with Sections 420.907 through 420.9079 of the Florida Statutes, Chapter 9I-37 Florida Administrative Code and SHIP Program requirements.

(c) Investment earnings, if any, from the moneys on deposit in the Local Housing Assistance Trust Fund shall be retained in such fund and for the purposes provided thereof.

(d) The Local Housing Assistance Trust Fund shall be separately stated as a special revenue fund in the County's audited financial statements. Copies of such audited financial statements shall be forwarded to the Florida Housing Finance Agency.

(Ord. No. 95-70, § 4, 4-18-95)

Sec. 17-105. Local housing partnership.

The Housing Finance Authority of Miami-Dade County, Office of Community and Economic Development, Miami-Dade Housing Agency or its successor department may develop a local housing partnership so that the implementation of the local housing assistance program involves other appropriate County agencies, local governments, lending institutions, housing developers, community based housing and service organizations, providers of professional services relating to affordable housing and any other persons or entities who can assist in providing housing or related support services. The partnership should encourage the use of combined resources to reduce housing costs for the targeted population.

(Ord. No. 95-70, § 5, 4-18-95; Ord. No. 97-65, § 3, 5-20-97; Ord. No. 07-18, § 4, 2-6-07; Ord. No. 07-98, § 2, 7-10-07)

Sec. 17-106. Affordable Housing Advisory Board powers and duties.

(a) *Creation and Designation.* The Miami-Dade County Affordable Housing Advisory Board is hereby created and established. It shall be Miami-Dade County's Affordable Housing Advisory Committee as required in Section 420.9072 and Section 420.9076 of the Florida Statutes.

(b) *Membership; compensation.* The Affordable Housing Advisory Board shall consist of fifteen (15) members. Members shall serve without compensation but shall be entitled to reimbursement for necessary expenses incurred in the discharge of their duties.

(c) *Composition.* The voting membership shall be ethnically, racially, geographically and gender balanced and shall be composed of the following members:

(1) The Board of County Commissioners shall appoint thirteen (13) members:

i. One (1) citizen actively engaged in the residential home building industry as required by Section 420.9076(2), Florida Statutes.

ii. One (1) citizen actively engaged in the banking or mortgage banking industry as required by Section 420.9076(2), Florida Statutes.

iii. One (1) citizen representative of the areas of labor actively engaged in home building as required by Section 420.9076(2), Florida Statutes.

iv. One (1) citizen who is actively engaged as an advocate for low-income persons in connection with affordable housing as required by Section 420.9076(2), Florida Statutes.

v. One (1) citizen who is actively engaged as a for-profit provider of housing as required by Section 420.9076(2), Florida Statutes.

vi. One (1) citizen who is actively engaged as a not-for profit provider of affordable housing as required by Section 420.9076(2), Florida Statutes.

vii. One (1) citizen who is actively engaged as a real estate professional as required by Section 420.9076(2), Florida Statutes.

viii. One (1) citizen who actively serves on the local planning agency pursuant to Section 163.3174, Florida Statutes as required by Section 420.9076(2), Florida Statutes.

ix. One (1) citizen who resides within the jurisdiction of the local governing body making the appointments as required by Section 420.9076(2), Florida Statutes.

x. One (1) citizen who represents employers within the jurisdiction.

xi. One (1) citizen who represents essential services personnel, as defined in the local housing assistance plan.

xii. For the remaining two (2) member positions, the Board of County Commissioners may consider the appointment of a member of the construction industry, a local community development corporation, attorney, architect, engineer, or planning professionals.

(2) The Mayor shall appoint one (1) member who is a member of the construction industry, local community development corporation, attorney, architect, engineer, planning professional.

(3) The Overall Tenant Advisory Council ("OTAC") shall appoint one (1) of its members.

(d) *Terms of office, tenure and removal of members.* All members shall serve staggered terms of four (4) years. Provided, however, that the original board members shall serve staggered terms in the following manner: three (3) members shall serve an initial term of one (1) year; four (4) members shall serve an initial term of two (2) years; four (4) members shall serve a term of four (4) years. No member shall serve more than two (2) terms of four (4) years each. Members may be removed in accordance with the provisions of [Chapter 2-11.38](../level3/PTIIICOOR_CH2AD_ARTIBSTCRREBOGE.docx#PTIIICOOR_CH2AD_ARTIBSTCRREBOGE_S2-11.38MEBO) of the Code of Miami-Dade County. Vacancies of the Board shall be filled in the same manner by which the Board members were appointed.

(e) *Qualification.* Each member of the Affordable Housing Advisory Board shall comply with the requirements of [Section 2-11.38](../level3/PTIIICOOR_CH2AD_ARTIBSTCRREBOGE.docx#PTIIICOOR_CH2AD_ARTIBSTCRREBOGE_S2-11.38MEBO) of the Code of Miami-Dade County. Furthermore, a citizen shall not be eligible to serve on the Affordable Housing Advisory Board if that citizen owns a financial interest in, is employed by, or is an officer of any entity that receives or applies for funding from Miami-Dade County through the Affordable Housing Advisory Board. If, at any time, a member is found to violate this qualification, the member shall automatically forfeit his or her position on the Affordable Housing Advisory Board without action of any body or person. Additionally, pursuant to Section 420.9076(2), Florida Statutes, if, due to a presence of a conflict of interest by prospective appointees, or other reasonable factor, the Board is unable to appoint a citizen actively engaged in or in connection with affordable housing, a citizen engaged in the activity without regard to affordable housing may be appointed. All efforts shall be made to appoint persons who are engaged in or connected with affordable housing and only when such an appointment cannot be made will the Board appoint a citizen without regard to experience in affordable housing.

(f) *Organization and procedure.*

(1) *Officers:* Members of the Affordable Housing Advisory Board shall organize after the members have been qualified to serve and shall elect one (1) of its members as chairperson, one (1) of its members as vice-chair person and any such other officers the advisory board may determine to be necessary. Officers shall be elected annually.

(2) *By-laws, rules and regulations.* The Board shall make, adopt and amend by-laws, rules and regulations for its own governance.

(3) *Meetings.* Meetings shall be conducted upon the call of the chairperson; however, the Affordable Housing Advisory Board shall meet at least six (6) times during the County's fiscal year. A majority of the members of the Board shall constitute a quorum. Minutes shall be kept of all meetings of the Board and all meetings shall be public.

(4) *Committees.* The Affordable Housing Advisory Board shall appoint any committees it deems necessary.

(5) *Applicability of County rules and procedures.* The Board shall operate at all times under the Florida Open Government Laws, including the "Sunshine Law," public meeting laws and public records laws and shall be governed by all state and County conflict of interest laws, as applicable, including the Metropolitan Miami-Dade County conflict of Interest and Code of Ethics Ordinance, as amended. Methods of organization and the conduct of business shall be governed by the Mason's manual of Legislative Procedure (1953 Edition).

(6) *Statutory requirements.* Pursuant to Section 420.9076(5), Florida Statutes, the approval by the Affordable Housing Advisory Board of its local housing incentive strategies recommendations and its review of the local government implementation of previously recommended strategies must be made by affirmative vote of a majority of the membership of the Affordable Housing Advisory Board taken at a public hearing. Notice of the time, date, and place of the public hearing of the Affordable Housing Advisory Board to adopt its final local housing incentive strategies recommendations must be published in a newspaper of general paid circulation in Miami-Dade County. The notice must contain a short and concise summary of the local housing incentives strategies recommendations to be considered by the advisory committee. The notice must state the public place where a copy of the tentative advisory committee recommendations can be obtained by interested persons.

(g) *Powers and duties.* The Affordable Housing Advisory Board as the affordable housing advisory committee shall review Miami-Dade County's established policies and procedures, ordinances, land development regulations and adopted comprehensive plan and shall make recommendations to the Board of County Commissioners regarding specific actions or initiatives to encourage or facilitate affordable housing while protecting the ability of property to appreciate in value. The recommendations may include the modification or repeal of existing policies, procedures, ordinances, regulations, or plan provisions, the creation of exceptions applicable to affordable housing, or the adoption of new policies, procedures, regulations, ordinances, or plan provisions, including recommendations to amend the adopted comprehensive plan and corresponding regulations, ordinances, and other policies.

At a minimum, the Affordable Housing Advisory Board shall submit to the Board of County Commissioners a report that includes recommendations on, and triennially thereafter evaluates the implementation of, affordable housing incentives in the following areas:

(1) The definition of affordable housing.

(2) The expedited processing of permits for affordable housing projects.

(3) The modification of impact fee requirements, including reduction or waiver of fees and alternative methods of fee payment.

(4) The allowance of flexibility in densities.

(5) The reservation of infrastructure capacity for housing of very-low-income, low-income, and moderate-income persons.

(6) The transfer of development rights as a financing mechanism for housing of very-low-income, low-income, and moderate-income persons.

(7) The reduction of parking and setback requirements.

(8) The allowance of flexible lot configurations, including zero-lot-line configurations.

(9) The modification of sidewalk and street requirements.

(10) The establishment of a process by which the local government considers, before adoption, policies, procedures, ordinances, regulations or plan provisions that have a significant impact on the cost of housing.

(11) The preparation of a printed inventory of locally owned public lands suitable for affordable housing.

(12) The identification of other affordable housing incentives.

(13) To the maximum extent feasible, the quantification of the affordable housing costs reduction anticipated from implementing the specific recommendation.

(14) The allowance of affordable accessory residential units in residential zoning districts.

(15) The support of development near transportation hubs and major employment centers and mixed-use developments.

(h) *Additional SHIP duties.* In addition to the responsibilities prescribed in subsection (c), the Affordable Housing Advisory Board its capacity as affordable housing advisory committee shall:

(1) Advise the Board of County Commissioners of how its policies impact affordable housing programs.

(2) Assist in the development of a local housing assistance program pursuant to Section 420.9075 of the Florida Statutes and an affordable housing incentive plan pursuant to Section 420.9076 of the Florida Statutes.

(3) Make recommendations concerning the County's affordable housing waivers and deferrals of impact fees.

(4) Conduct studies and identify methods to reduce development costs and shorten governmental review periods for affordable housing developments.

(5) Identify additional resources for affordable housing programs.

(6) Make recommendations based on the results of any economic impact study required by ordinance or resolution.

(7) Make funding recommendations to the Board of County Commissioners on the expenditure and allocation of funds relating to housing development where such recommendations are not made by another Board of County Commissioners approved advisory entity.

(8) Any other duties related to affordable housing which may be assigned by the Board of County Commissioners from time to time.

(i) *Reporting requirements.*

(1) The Affordable Housing Advisory Board in its capacity as affordable housing advisory committee shall submit an annual report of its SHIP activities to the Board of County Commissioners prior to June 30 of each year.

(2) In order to assist the County in preparing the annual affordable housing report required by Section 420.9075(8), Florida Statutes, the Affordable Housing Advisory Board shall submit a report to the Board of County Commissioners by October 31 of each year. At a minimum, the report shall include:

a. The number of people served by the Affordable Housing Programs according to income, age, family size, race and special needs such as farmworkers, rural residents, and the elderly.

b. The number of units and the average costs of producing units under each of the Affordable Housing Programs.

c. The average sales price of a single-family unit and the average amount of rent charged for a rental unit based on unit size.

d. The number of mortgages made and the rate of default.

e. A description of the implementation of the affordable housing incentive plan and the resulting reduction in housing costs.

f. Such other relevant data or affordable housing accomplishments.

(Ord. No. 95-70, § 6, 4-18-95; Ord. No. 97-65, § 3, 5-20-97; Ord. No. 01-46, § 1, 3-20-01; Ord. No. 03-39, § 1, 3-11-03; Ord. No. 07-18, § 5, 2-6-07; Ord. No. 07-122, § 2, 9-4-07)

Sec. 17-107. Staff support.

Metro-Miami-Dade Housing Agency shall provide primary staff support to the Affordable Housing Advisory Board. The Office of Community and Economic Development and other appropriate County department staff shall also supply support.

(Ord. No. 95-70, § 7, 4-18-95; Ord. No. 97-65, § 3, 5-20-97)

Sec. 17-108. Liberal construction to effectuate public purpose.

This article being for public purpose and for the welfare of the citizens of Miami-Dade County, Florida shall be liberally construed to effectuate the purposes hereof.

(Ord. No. 97-65, § 3, 5-20-97)

Secs. 17-109—17-120. Reserved.

FOOTNOTE(S):

--- (**7**) ---

**Editor's note—** Ord. No. 95-70, adopted April 18, 1995, amended the Code by the addition of provisions which have been included herein at the discretion of the editor as Art. VI, §§ 17-101—17-107. [(Back)](#BK_098F172F2B267DF926F58893840C72AC)

### ARTICLE VII. INFILL HOUSING INITIATIVE [[8]](#BK_A9FBDFE681BE0F7062900907F2860683)

[Sec. 17-121. Title; purpose.](#BK_D10A3753317F1F7B3588F89E767EE3CE)

[Sec. 17-122. Definitions.](#BK_35DF04FB78BFAECC9D64F1439FD7F593)

[Sec. 17-123. Acquisition.](#BK_D6314222CD825B719B4C2CFA942AF27C)

[Sec. 17-124. Transfer or sale of property.](#BK_C37DB759A2DE804BAA9E8304B42F2333)

[Sec. 17-124.1. Eligibility of households for eligible housing.](#BK_8C942027789DD83F13398750618DE653)

[Sec. 17-124.2. Affordability controls.](#BK_4EC6E0D5A55707863A05BB1D08CA56FB)

[Sec. 17-125. Development.](#BK_EB743CCAE9484CD03F19F2057A34C9C3)

[Sec. 17-125.1 Rental of Property.](#BK_FF475676FE35E86B21A0CD859BF99A5E)

[Sec. 17-126. Forgiveness of county liens.](#BK_FD982AF4CE4156564DECEB330E12CA16)

[Sec. 17-127. [Policies and procedures.]](#BK_9586CEF780BBB97D14513CBFDB8BB980)

[Sec. 17-128. Enforcement.](#BK_152D26F565DC182C2992DA05DD0DEB1F)

[Sec. 17-128.1. Reports to the Board of County Commissioners.](#BK_BC805BE1C98B6477D60E06438FCF6B58)

Sec. 17-121. Title; purpose.

This article shall be entitled, "The Infill Housing Initiative." Its purpose is to increase the availability of affordable homes for low and moderate income persons, maintain a stock of affordable housing, redevelop urban neighborhoods by eliminating the blight of vacant lots and dilapidated or abandoned properties, to equitably distribute homeownership opportunities within the Infill Target Areas, and generate payment of ad valorem taxes. The Infill Housing Initiative shall encourage the redevelopment of vacant, dilapidated or abandoned property through the sale or transfer of County property to qualified developers and the inclusion of privately owned vacant, dilapidated or abandoned properties. The community development corporations and developers shall be required to build affordable single-family homes to be sold to low and moderate income households. Although the Infill Housing Initiative is primarily designed to create affordable homeownership of single-family homes, the County under limited circumstances may at its sole discretion permit developers to rent these homes to qualified low or moderate income families.

(Ord. No. 01-47, § 1, 3-20-01; Ord. No. 07-04, § 1, 1-25-07; Ord. No. 10-25, § 1, 4-6-10)

Sec. 17-122. Definitions.

(a) *Adjusted for family size.* Adjusted in a manner that results in an income eligibility level that is lower for households having fewer than four people, or higher for households having more than four people, than the base income eligibility for low and moderate income households, based upon a formula established by the United States Department of Housing and Urban Development (HUD).

(b) *Affordable.* Where the rental payments or mortgage payments, including taxes and insurance, does not exceed 30 percent of the amount which represents the percentage of the median annual gross income for low and moderate income households. However, it is not the intent to limit an individual household's ability to devote more than 30 percent of its income for housing, and housing for which a household devotes more than 30 percent of its income shall be deemed affordable if the first institutional mortgage lender is satisfied that the household can afford mortgage payments in excess of the 30 percent benchmark.

(c) *Annual gross income.* Annual income as defined under the Section 8 housing assistance payments programs in 24 C.F.R. part 5; annual income as reported under the census long form for the recent available decennial census; or adjusted gross income as defined for purposes of reporting under Internal Revenue Service Form 1040 for individual federal annual income tax purposes. The County shall calculate income by annualizing verified sources of income for the household as the amount of income to be received in a household during the 12 months following the effective date of the determination.

(d) *Certificate of Qualification.* A certificate issued by the Miami-Dade Housing Agency or an outside agency that has been authorized by the County to qualify households, establishing that a household is qualified to purchase an eligible home. Certificates of Qualification shall be valid for 12 months.

(e) *Control Period.* The 20-year period during which the eligible home must remain affordable. The control period begins on the initial sale date of the eligible home and resets automatically every 20 years for a maximum of 60 years, except that in the event the home is owned by the same owner for an entire 30-year period, said home shall be released from the affordability restrictions.

(f) *Dwelling Unit.* A unit, whether detached or attached to another such unit, that houses a single family and that can be sold in fee simple ownership.

(g) *Eligible Housing or Eligible Home.* Any dwelling unit that is: (i) located on an infill parcel; (ii) constructed or rehabilitated in accordance with this article; and (iii) used as the primary residence of a qualified household.

(h) *Eligible Person or Eligible Household.* One or more natural persons or a family that has not previously owned or had interest in a home during the previous three years and that has been determined by the County to meet the eligibility requirements of a low or moderate income household according to the income limits adjusted to family size published annually by the United States Department of Housing and Urban Development based upon the annual gross income of the household. The terms "Eligible Person" or "Eligible Household" shall also include one or more natural persons or a family who participates in one of the County and other municipalities' affordable rental programs, including, but not limited to, the Section 8 Housing Choice Voucher or the Miami-Dade Homeless Trust Continuum of Care's Household Exiting Emergency Shelter, Transitional Housing and Domestic Violence programs and who has been determined by the County to meet the eligibility requirements of a low or moderate income household according to the income limits adjusted to family size published annually by the United States Department of Housing and Urban Development based upon the annual gross income of the household.

(i) *Infill Parcel.* A parcel of land that is located within any infill target area and is suitable for the development of no more than four single family homes (attached or detached).

(j) *Infill Target Areas.* The areas of the County designated as the Urban Infill Target Area (UIA), as defined in [Section 33G-3](../level2/PTIIICOOR_CH33GSECOMAPR.docx#PTIIICOOR_CH33GSECOMAPR_S33G-3DE)(26) of the Code, and the Targeted Urban Areas (TUA), as defined in [Section 30A-129](../level3/PTIIICOOR_CH30AURRE_ARTVITAFOURECRE.docx#PTIIICOOR_CH30AURRE_ARTVITAFOURECRE_S30A-129DE)(2) of the Code. In addition, Infill Target Areas shall include those portions of Neighborhood Revitalization Strategy Areas not otherwise covered under the UIA and TUA; and any geographic locations in Miami-Dade County which are designated by the Federal Government as empowerment zones shall be included in the definition of TUA at the time of such designation.

(k) Low Income Household. Those households whose total annual adjusted gross income is 80 percent or less than the median annual adjusted gross income for households within the metropolitan statistical area (MSA) or, if not within an MSA, within Miami-Dade County, whichever is greater as defined by HUD.

(l) *Moderate Income Household.* Those households whose total annual adjusted gross income is more than 80 percent and less than 140 percent of the median annual adjusted gross income for households within the metropolitan statistical area (MSA) or, if not within an MSA, within Miami-Dade County, whichever is greater as defined by HUD.

(m) *Qualified Developer.* Any person, firm, corporation, partnership, limited liability company, association, joint venture, community based organization, not-for-profit agency, or any entity or combination of entities, excluding any governmental entity, that has been qualified by the County as having the requisite experience and capacity to build affordable housing through the Infill Housing Program. For these purposes a community-based organization shall have among its purposes the provision of affordable housing to persons who have special needs or have low income, or moderate income within a designated area, which may include a municipality or more than one municipality or the County, and maintains, through a minimum of one-third representation on the organization's governing board, accountability to housing program beneficiaries and residents of the designated area.

(n) *Qualified Household.* An eligible household that has received a certificate of qualification from the County or other County approved agency.

(o) *Rental Price* means rents that do not exceed the monthly Fair Market Rent as determined for Miami-Dade County and published by the U.S. Department of Housing and Urban Development.

(p) *Sales Price.* The price set by the County pursuant to an administrative order, which price shall not exceed an amount affordable at the maximum income range, as defined in this article, taking into account (a) family size; (b) an annual fixed interest rate based on a thirty (30) year mortgage term; (c) payment of up to five percent (5%) down payment by a qualified household; and (d) an estimation of annual property taxes, assessments, loan insurance and financing fees, allowances for property maintenance and repairs, homeowners insurances, homeowner association fees, if any, and allowances for utilities.

(q) *State Housing Initiative Partnership (SHIP).* The affordable housing program established pursuant to Section 420.90 et seq. of the Florida Statutes for the purpose of providing funds to counties and eligible municipalities as an incentive for the creation of local housing partnerships, to expand production of and preserve affordable housing, to further the housing element of the local government comprehensive plan specific to affordable housing, and to increase housing-related employment.

(r) *Surtax.* The discretionary tax on documents, which the County is authorized by Section 125.0167 of the Florida Statutes to levy, for the purpose of establishing and financing the County's Local Housing Assistance Loan Trust Fund to assist in the financing of construction, rehabilitation, or purchase of housing for low-income and moderate-income families.

(Ord. No. 01-47, § 2, 3-20-01; Ord. No. 07-04, § 2, 1-25-07; Ord. No. 10-25, § 2, 4-6-10)

Sec. 17-123. Acquisition.

(a) If a vacant, abandoned or dilapidated parcel of private property is identified as appropriate for infill housing development or bundling with other parcels of property, the County will evaluate it for possible acquisition.

(b) The County may acquire these properties through purchase, foreclosure, dedication or any other available legal procedure. The availability of State Housing Initiatives Partnership (SHIP) funds as allowed by Section 420.907 et seq., Florida Statutes and Chapter 17, Article VI of the Code of Miami-Dade County, Florida, as well as any other source of affordable housing shall be considered for acquiring these properties.

(Ord. No. 01-47, § 3, 3-20-01)

Sec. 17-124. Transfer or sale of property.

(a) *Transfer or Sale of Property.* Pursuant to all applicable state and County laws, any County owned parcel or parcels of property identified as appropriate for infill housing may be transferred or sold to a qualified developer for the development of infill housing subject to the requirements of [Section 17-126](../level3/PTIIICOOR_CH17HO_ARTVIIINHOIN.docx#PTIIICOOR_CH17HO_ARTVIIINHOIN_S17-126FOCOLI) of this article. Notwithstanding this requirement, the County Manager is authorized to approve a conveyance of an infill property previously conveyed by the County to a qualified developer when a municipality or any other governmental entity desires said property in exchange for another infill property of equal or greater value. Said transferred infill property shall be subject to the restrictions set forth in [Section 17-124](../level3/PTIIICOOR_CH17HO_ARTVIIINHOIN.docx#PTIIICOOR_CH17HO_ARTVIIINHOIN_S17-124TRSAPR)(c) and (d).

(b) *Clear Title.* To the extent that it is feasible and allowed by law, title to the property shall be cleared of all liens, taxes and other encumbrances prior to transfer or sale by the County to a qualified community development corporation or a qualified developer. The title may be cleared through:

(1) Forgiveness of County liens as established in [Section 17-126](../level3/PTIIICOOR_CH17HO_ARTVIIINHOIN.docx#PTIIICOOR_CH17HO_ARTVIIINHOIN_S17-126FOCOLI) of this article;

(2) Cancellation of County-held tax certificates as allowed by state law;

(3) Payment of liens;

(4) Development of incentives for private, municipal and other governmental lienholders to release liens; or

(5) By any other available means.

However, pursuant to Section 125.411 of the Florida Statutes, as amended, the County shall only convey the interest of the County and shall not warrant title.

(c) *Reverter Clause/Affordability Period.* County deeds conveying title of any properties to a qualified community development corporation or qualified developer, under this Infill Housing Initiative, shall contain a reverter to the County in the event the property has not been reasonably developed or rehabilitated within one year of conveyance. Any eligible infill housing that is developed under this Infill Housing Initiative shall remain as affordable housing for at least thirty (30) years.

(d) *Declaration of Restrictive Covenants.* Prior to the initial sale of an eligible home, a declaration of restrictive covenants running with the land, approved in form by the County, shall be recorded in the public records of Miami-Dade County which contains such language as is necessary to carry out the purposes of this article. Said declaration of restrictive covenants shall specify that:

(1) The restrictions of this article shall run with the land for the entire control period; and

(2) The covenant will bind the applicant, any assignee, mortgagee, or buyer, and all other parties that receive title to or interest in the property. These covenants shall be senior to all instruments securing permanent financing; and

(3) The covenant shall be controlled for a minimum of twenty (20) years and shall automatically reset every 20 years for a maximum of 60 years, except that in the event an eligible home is owned for an entire 20-year control period by the same individual(s), said individual(s) shall automatically be released from the Declaration of Restrictive Covenants.

(4) Every eligible home constructed or rehabilitated pursuant to this article shall be offered for sale to qualified households to be used as their primary residence. A qualified household that has purchased an eligible home shall not lease said eligible home; and

(5) Prior to the sale of an eligible home during the control period, the eligible home's owner shall obtain the County's written approval as set forth in [Section 17-124.2](../level3/PTIIICOOR_CH17HO_ARTVIIINHOIN.docx#PTIIICOOR_CH17HO_ARTVIIINHOIN_S17-124.2AFCO)(c); and

(6) The initial sales price of the eligible housing shall not be offered for a price greater than the current maximum eligible home's sales price of affordable housing as determined by the County at the time of sale or its current appraised value, whichever is lower; and

(7) The County reserves its right of first refusal to purchase the eligible home prior to or at the end of control period, if it becomes available for purchase and there are no eligible persons to purchase said home. The County shall have sixty (60) days after receiving written notification from the owner that the eligible home is for sale, to advise the owner in writing of the County's intent to exercise its right of first refusal or to provide the owner with written notification of the County's intent to waive its right of first refusal. The County Manager is authorized to negotiate and execute any contracts to purchase the available eligible home, without prior approval from the Miami-Dade Board of County Commissioners, from the funds earmarked in the a separate account or any trust fund designated for this purpose. Notwithstanding this authorization to purchase, the County Manager shall bring to the Board of County Commissioners a resolution seeking ratification of said purchase at the next available Board meeting following the purchase of the eligible home.

(Ord. No. 01-47, § 4, 3-20-01; Ord. No. 07-04, § 3, 1-25-07)

Sec. 17-124.1. Eligibility of households for eligible housing.

(a) Eligibility requirements to purchase an eligible home shall be pursuant to an administrative order approved by the Board of County Commissioners and shall be based on household size and income. An eligible household must receive a certificate of qualification from the County or other outside agency authorized by the County to qualify households, to become a qualified household, in accordance with the procedures prescribed by the administrative order.

(b) Each qualified household purchasing an eligible home shall be required to record a mortgage in favor of Miami-Dade County with an amount equal to the value of the land at the time of the initial sale of the home. A promissory note shall be executed by each qualified household and secured by said mortgage. Said mortgage shall set forth the same covenants, along with the refinancing and resale restrictions as those included in the restrictive covenants required by this section.

(c) Eligibility for continued ownership of an eligible home shall be contingent upon the qualified household's use of the eligible home as his or her primary residence. A qualified household that no longer occupies the home as their primary residence shall be in default of the mortgage recorded against the eligible home by the County and the Declaration of Restrictive Covenants.

(d) Effective January 1st of the year following the recording of the declaration of restrictive covenants in the Public Records stating that the home must remain affordable the assessed value of the homes constructed through the Infill Housing Program will reflect consideration of the aforementioned restriction. To ensure that the assessed value of the affordable home reflects consideration of the aforesaid restrictions, County shall submit a copy of the recorded covenant to the Miami-Dade Property Appraiser's Office immediately after closing. Upon receiving said covenant, the Property Appraiser's Office will make a notation in the records available to the public that the home is subject to affordable housing restrictions and, for subsequent assessments during the control period, will ensure that the assessed value reflects consideration of the housing restrictions.

(e) Subject to the availability of funding, the County will provide affordable mortgage loans through the use of Surtax and SHIP funds to qualified households who purchase infill housing. In order to receive a mortgage loan, the qualified household must meet the eligibility requirements for the funding.

(Ord. No. 07-04, § 4, 1-25-07)

Sec. 17-124.2. Affordability controls.

(a) *Initial sale.*

(1) Every eligible home required to be established under this article shall be offered for sale to a qualified household to be used as their own primary residence.

(2) In order to assure the purpose of the infill program as set forth in [Section 17-121](../level3/PTIIICOOR_CH17HO_ARTVIIINHOIN.docx#PTIIICOOR_CH17HO_ARTVIIINHOIN_S17-121TIPU), steps shall be taken by the County to encourage a mix of housing prices that are affordable to both low and moderate income households.

(3) No less than sixty (60) days prior to offering any eligible home, the developer shall notify the County of such offering. The notification from the developer shall set forth the size, sales price, and location of each eligible home offered and shall provide a description of each eligible home's finishes and availability. The County may request additional information from the developer or other property owner as it deems necessary.

(4) Upon notification from the developer, the County shall make such notice available to eligible households through its web site and other locations designated by the County.

(5) If the County determines an eligible household qualifies for an eligible home, the County will issue a certificate of qualification declaring the household a qualified household. In order to receive a certificate of qualification, an eligible household must have completed a homeownership counseling course and met the eligibility requirements of a low or moderate income household.

(b) *Resale.* Subject to the mortgage recorded against the eligible home in favor of the County, any qualified household that intends to sell his or her eligible home prior to the expiration of the control period shall provide written notification to the County pursuant to subsection (c) of this section. Upon resale of an eligible home, each household must ensure that a prospective qualified household has received a valid certificate of qualification.

(c) *Control of resale prices.*

(1) The eligible home may be resold, but only to a qualified household. Any owner of an eligible home shall notify the County in writing of his or her intent to offer the eligible home for resale.

(2) The maximum sales price permitted on resale of an eligible home shall be based on the following:

(i) a formula that takes into account the price paid by the current owner and any increases tied to an index of area incomes during the period in which the current owner owned the home;

(ii) documented costs for property improvements that are permanent in nature and not for decoration or maintenance purposes.

(3) Prior to closing a sale, the seller of the eligible home shall submit to the County for approval (which approval shall not be unreasonably withheld or delayed):

(i) a copy of the proposed sales contract; and

(ii) an affidavit signed by the owner of the eligible home and the new qualified household attesting to the accuracy of all documents and conditions of the sale.

(4) No resale of an eligible home shall be considered to be in compliance with this article until all required documents and affidavits have been submitted to and approved by the County.

(5) The County shall either approve or disapprove all required documents and affidavits in writing within fifteen business days after they are submitted to the County. If the County disapproves such documents or affidavits then the County shall provide the owner, in writing, the reasons for such disapproval and an opportunity to correct any deficiencies, and provide adequate and appropriate documentation.

(d) *Foreclosures, bankruptcy, probate and other proceedings.*

(1) If any qualified household of an eligible home defaults on his or her mortgage with the County and said default is not cured within the applicable time periods, then the whole debt secured by said mortgage, with all interest thereon, and all other amounts thereby secured shall, at the option of the County, become immediately due and payable. In the event any qualified household of an eligible home fails to cure the default, the County shall have the right to legally enforce the term of the mortgage or collect the debt in any action at law, including but not limited to a proceeding in foreclosure. Any proceeds, including any expenses or expenditures incurred and recovered by the County, shall be deposited into a separate account or into any affordable housing trust fund established by the County and shall not be commingled with any other funds.

(2) In any suit, action or proceeding, including without limitation bankruptcy, probate or any other suit, action or proceeding affecting the eligible home, any monies recovered by the County shall be deposited into a separate account designated for such purposes or any affordable housing trust fund established by the County.

(3) Notwithstanding subsection e(1) and (2), in the event of default by a qualified household on any senior mortgage associated with an eligible home, the County Manager is authorized to pay off said senior mortgage and assume ownership of the eligible home by using funds from the affordable housing trust fund. The defaulting qualified household shall be required to vacate the eligible home. The County Manager is further authorized to purchase any eligible home that is sold as a result of any suit, action or proceeding, including but not limited to foreclosure, bankruptcy, probate or any suit, action or proceeding affecting the eligible home. The County Manager shall report each such purchase to the Board of County Commissioners at the next Board meeting following the purchase of the eligible home.

(Ord. No. 07-04, § 5, 1-25-07)

Sec. 17-125. Development.

(a) *Private Property Owners.* The County may encourage private property owners to rehabilitate or redevelop their properties as infill housing through forgiveness of County liens as identified in [section 17-126](../level3/PTIIICOOR_CH17HO_ARTVIIINHOIN.docx#PTIIICOOR_CH17HO_ARTVIIINHOIN_S17-126FOCOLI) of this article or through the availability of construction and rehabilitation loans. Subject to the availability of funding, the County will provide construction and rehabilitation loans to private property owners who are determined to be eligible for such funding. In order to participate in the infill housing program, each private owner participating in the infill housing program shall record in the public records one or more covenants or declarations of restrictions in a form approved by the County as set forth in [Section 17-124](../level3/PTIIICOOR_CH17HO_ARTVIIINHOIN.docx#PTIIICOOR_CH17HO_ARTVIIINHOIN_S17-124TRSAPR)(d).

(b) *Qualified Developers.* Subject to the availability of funding, the County will provide construction and rehabilitation loans through the County's Surtax and SHIP programs, to qualified developers for the development of infill housing. In order to receive the construction or rehabilitation loan, the qualified developer must meet the eligibility requirements for such funding.

(Ord. No. 01-47, § 5, 3-20-01; Ord. No. 07-04, § 6, 1-25-07)

Sec. 17-125.1 Rental of Property.

The County in its sole discretion may allow developers to rent eligible homes on a temporary basis if the developer can demonstrate to the County's satisfaction that they have made a good faith effort to sell the eligible home. The term "good faith effort" shall include, but is not limited to, marketing of the eligible home by listing the home on the multiple listing service for a minimum of three months, placing a "For Sale" sign on the property, and reducing the original asking price. In the event the developer is able to demonstrate that it has used good faith efforts to sell the eligible home and the County permits the rental of said home, the County shall require the developer to rent the eligible home to families who are eligible participants in one of the County's or other local municipality's rental housing assistance programs, including but not limited to, the Section 8 Housing Choice Voucher (HCV) Program administered by the Miami-Dade Public Housing and Community Development, or its successor agency or department or the Household Exiting Emergency Shelter, Transitional Housing and Domestic Violence programs administered by the Miami-Dade County Homeless Trust. The County shall determine prior to authorizing a developer to rent an eligible home whether the rental of said home is consistent with all applicable state and federal laws and regulations.

Upon the County's approval to rent any eligible home, each developer shall be required to comply with all applicable federal and state housing laws and regulations. Developers shall also be required to rent the eligible homes for a minimum of one year and will not be permitted to sell said eligible home during the first year it is rented, unless it is sold to the existing tenant.

This section of the Code shall sunset on April 16, 2014, unless extended by the Board of County Commissioners.

(Ord. No. 10-25, § 3, 4-6-10; Ord. No. 12-35, § 1, 5-1-12)

Sec. 17-126. Forgiveness of county liens.

(a) (1) Notwithstanding any other provision contained in the Code of Miami-Dade County, the County Manager may release or satisfy any County lien placed on a publicly or privately owned property if the property has been approved by the County Manager for the Infill Housing Initiative and the private owner records in the public records a declaration of restrictive covenants in a form approved by the County as set forth in [Section 17-124](../level3/PTIIICOOR_CH17HO_ARTVIIINHOIN.docx#PTIIICOOR_CH17HO_ARTVIIINHOIN_S17-124TRSAPR)(d).

(2) County liens which may be released or satisfied by the County include but are not limited to: civil restitution liens; code enforcement liens; demolition liens; hospital liens; judgment liens; lot clearing liens; minimum housing standard liens; mortgage liens; nuisance abatement liens; public defender liens; stormwater utility liens; waste liens; water and sewer liens; and welfare liens. The provisions of this article do not pertain to ad valorem tax liens or privately-held tax certificates nor do they pertain to special assessment liens as defined in the Home Rule Charter, [Article 1](../level2/PTICOAMCH_ART1BOCOCO.docx#PTICOAMCH_ART1BOCOCO), [Section 1.01](../level2/PTICOAMCH_ART1BOCOCO.docx#PTICOAMCH_ART1BOCOCO_S1.01PO)(A)(11) and in [Section 18-14](../level3/PTIIICOOR_CH18IMSPRPDI_ARTISPTADI.docx#PTIIICOOR_CH18IMSPRPDI_ARTISPTADI_S18-14SPAS) of Miami-Dade County Code.

(b) The satisfaction of the County lien(s) shall be recorded in the Official Record Book of Miami-Dade County, Florida.

(c) The County shall not release or satisfy any County liens on a property owned by the person whose actions resulted in the County liens being placed on the property. The County shall not release or forgive any County liens on a property owned by the immediate family or a firm, corporation, partnership or business entity of a person whose actions resulted in the liens being placed on the property. For purposes of this section, "person" shall mean any individual, business, corporation, partnership, firm, organization, or other type of entity. For purposes of this section, "immediate family" shall mean spouse, child, parent, niece, nephew, aunt, uncle, grandparent, grandchild or anyone having one of these relationships by law.

(d) Release of a County lien under this article does not prohibit the County from collecting the sum underlying the lien by other legal means. Release of a County lien does not mean that a violation underlying the lien has been cured.

(Ord. No. 01-47, § 6, 3-20-01; Ord. No. 07-04, § 7, 1-25-07)

Sec. 17-127. [Policies and procedures.]

The County Manager shall develop policies and procedures for the implementation of this Infill Housing Initiative as well as designate the appropriate County personnel to implement the Infill Housing Initiative. To the extent that it is feasible, the County Manager shall incorporate Resolution R-435-00, "Green Infill Housing Machine," and the Interim Report on the Green Infill Housing Machine Infill Housing Programs (7/25/00) into the policies and procedures. Furthermore, the County Manager shall study the appropriateness of developing or contracting with a community land trust for the implementation of the Infill Housing Initiative.

(Ord. No. 01-47, § 7, 3-20-01)

Sec. 17-128. Enforcement.

(a) The provisions of this article shall apply to all agents, successors and assignees of a qualified household.

(b) This article shall be enforceable in accordance with the provisions of [Chapter 8CC](../level2/PTIIICOOR_CH8CCCOEN.docx#PTIIICOOR_CH8CCCOEN) of this code. Violations of this article shall be punishable by a civil fine not to exceed ten thousand dollars ($10,000.00).

(c) Violations of this article shall be punishable by a criminal fine not to exceed five hundred dollars ($500.00) or by imprisonment in the county jail for a period not to exceed sixty (60) days, or by both such fine and imprisonment, in the discretion of the county court.

(d) Any continuing violations of the provisions of this article may be enjoined and restrained by injunctive order of the circuit court in appropriate proceedings instituted for such purpose.

(Ord. No. 07-04, § 8, 1-25-07)

Sec. 17-128.1. Reports to the Board of County Commissioners.

The County Manager shall submit an annual report to the Miami-Dade Board of County Commissioners concerning compliance with the provisions of this article. This report shall include but not be limited to a list of lots made available to qualified developers, number of homes built and sold to qualified households, a summary of the amount of liens released on County and private property and legal actions taken against violators of this Article of the Code.

(Ord. No. 07-04, § 9, 1-25-07)

FOOTNOTE(S):

--- (**8**) ---

**Editor's note—** Ord. No. 01-47, §§ 1—7, adopted March 20, 2001, did not specifically amend the Code; hence, inclusion as article VII, sections 17-121—17-127, was at the discretion of the editor. [(Back)](#BK_D9B16ABC3B6DA6E04C03BA496C3673E5)

### ARTICLE VIII. AFFORDABLE HOUSING TRUST FUND OF MIAMI-DADE COUNTY, FLORIDA

[Sec. 17-129. Short title.](#BK_A065FC43549111EA2ABE82274C39D51F)

[Sec. 17-130. Legislative intent and purpose.](#BK_D16D3825BF590CF638AB693E9DAF0B64)

[Sec. 17-131. Definitions.](#BK_39BDECE765E329F9D9DA3FD3E6418259)

[Sec. 17-132. Affordable Housing Trust Fund.](#BK_B8896AA4CD0292820E09ACBE4E0D805B)

[Sec. 17-133. Membership.](#BK_5423BD3A53AE48FBB524659EAAC0BE37)

[Sec. 17-134. Powers.](#BK_288C0F76ACB6BDD0A1AAC0B6C39DDE17)

[Sec. 17-135. Financial audit of fund.](#BK_371D7FA5480A5B3E0E6B87214BC79C6D)

[Sec. 17-136. Reports to the Board of County Commissioners.](#BK_413E0BE316495E53703E42FEAE1D2947)

[Sec. 17-137. Liberal construction to effectuate public purpose.](#BK_7124087EEED92FFDACC593F892BCEA3F)

Sec. 17-129. Short title.

This article shall be known as the "Affordable Housing Trust Fund of Miami-Dade County, Florida."

(Ord. No. 07-15, § 1, 2-6-07)

Sec. 17-130. Legislative intent and purpose.

It is the intent of the Board of County Commissioners to create an affordable housing trust fund as a permanent, renewable source of revenue to meet, in part, the housing needs of the residents of Miami-Dade County. Those households which are intended to benefit from the trust fund shall be income eligible and possess at least one of the following characteristics: (1) they are cost-burdened by paying more than 30% of their gross income for housing costs, (2) they live in overcrowded conditions, or (3) they live in substandard housing units.

The affordable housing trust fund shall be used solely for programs and administrative support approved by the Board of County Commissioners to meet the housing needs of those households who meet the target income of up to 140% of the area median income for Miami-Dade County. These programs shall include, without limitation, those providing assistance through production, acquisition, rehabilitation and preservation of housing units.

All appropriated funds designated by the Board of County Commissioners shall be deposited into the affordable housing trust fund in an interest-bearing account. All interest earnings from the account shall be reinvested and dedicated to the trust fund. All appropriated funds in the affordable housing trust fund account shall be available for program expenditures.

The objective of creating an affordable housing trust fund is to foster a housing supply accessible to a range of family incomes in developments assisted by the trust fund and to disperse affordable housing units throughout the County, in accordance with objectives, goals, and policies of the housing element of the CDMP.

(Ord. No. 07-15, § 1, 2-6-07)

Sec. 17-131. Definitions.

(1) *Adjusted for family size* means adjusted in a manner that results in an income eligibility level that is lower for households having fewer than four people, or higher for households having more than four people, than the base income eligibility determined as provided in subsection (4), subsection (5), subsection (6), or subsection (9), based upon a formula established by the United States Department of Housing and Urban Development.

(2) *Affordable* means that monthly rents or monthly mortgage payments including taxes and insurance do not exceed 30 percent of that amount which represents the percentage of the median annual gross income for the households as indicated in subsection (4), subsection (5), subsection (6), or subsection (9). However, it is not the intent to limit an individual household's ability to devote more than 30 percent of its income for housing, and housing for which a household devotes more than 30 percent of its income shall be deemed affordable if the first institutional mortgage lender is satisfied that the household can afford mortgage payments in excess of the 30 percent benchmark.

(3) *Affordable housing* means any real and personal property located within Miami-Dade County which is designed and intended for the primary purpose of providing decent, safe, and sanitary residential units that are designed for home ownership or rental for extremely low, very low, low, and moderate income persons.

(4) *Extremely-low-income persons* or *extremely low-income household* means one or more natural persons or a family whose total annual household income does not exceed 30 percent of the median annual adjusted gross income for households within the state.

(5) *Low-income person* or *low-income household* means one or more natural persons or a family that has a total annual gross household income that does not exceed 80 percent of the median annual income adjusted for family size for households within Miami-Dade County. With respect to rental units, the low-income household's annual income at the time of initial occupancy may not exceed 80 percent of the area's median income adjusted for family size. While occupying the rental unit, a low-income household's annual income may increase to an amount not to exceed 140 percent of 80 percent of the area's median income adjusted for family size.

(6) *Moderate-income person* or *moderate-income household* means one or more natural persons or a family that has a total annual gross household income that does not exceed 120 percent of the median annual income adjusted for family size for households within Miami-Dade County. With respect to rental units, the moderate-income household's annual income at the time of initial occupancy may not exceed 120 percent of the area's median income adjusted for family size. While occupying the rental unit, a moderate-income household's annual income may increase to an amount not to exceed 140 percent of 120 percent of the area's median income adjusted for family size.

(7) *Rent* means ongoing monthly rental assistance. The term does not include initial assistance to tenants, such as grants or loans for security and utility deposits.

(8) *Sales price* or *value* means, in the case of acquisition of an existing or newly constructed unit, the amount on the executed sales contract. For eligible persons who are building a unit on land that they own, the sales price is determined by an appraisal performed by a state-certified appraiser. The appraisal must include the value of the land and the improvements using the after-construction value of the property and must be dated within 12 months of the date construction is to commence. The sales price of any unit must include the value of the land in order to qualify as affordable housing. In the case of rehabilitation or emergency repair of an existing unit that does not create additional living space, sales price or value means the value of the real property, as determined by an appraisal performed by a state-certified appraiser and dated within 12 months of the date construction is to commence or the assessed value of the real property as determined by the county property appraiser. In the case of rehabilitation of an existing unit that includes the addition of new living space, sales price or value means the value of the real property, as determined by an appraisal performed by a state-certified appraiser and dated within 12 months of the date construction is to commence or the assessed value of the real property as determined by the county property appraiser, plus the cost of the improvements in either case.

(9) *Very-low-income person* or *very-low-income household* means one or more natural persons or a family that has a total annual gross household income that does not exceed 50 percent of the median annual income adjusted for family size for households within Miami-Dade County. With respect to rental units, the very-low-income household's annual income at the time of initial occupancy may not exceed 50 percent of the area's median income adjusted for family size. While occupying the rental unit, a very-low-income household's annual income may increase to an amount not to exceed 140 percent of 50 percent of the area's median income adjusted for family size.

(Ord. No. 07-15, § 1, 2-6-07)

Sec. 17-132. Affordable Housing Trust Fund.

(1) There is hereby established the Affordable Housing Trust Fund (the "Trust"). Separate accounts within such Trust may be created from time to time to avoid commingling as required by law or as deemed appropriate to further the purposes of the Trust. Investment earnings, if any, from the moneys on deposit in the Trust shall be retained and shall be used for the purposes provided herein. The Trust shall be separately stated as a special revenue fund in the County's audited financial statements. Copies of such audited financial statements shall be forwarded to the Board of County Commissioners as part of the report required by [Section 17-135](../level3/PTIIICOOR_CH17HO_ARTVIIIAFHOTRFUMIDECOFL.docx#PTIIICOOR_CH17HO_ARTVIIIAFHOTRFUMIDECOFL_S17-135FIAUFU) of this article.

(2) The Trust shall be administered by a board of trustees, which shall have the authority to govern the Trust Fund consistent with this article and to prescribe procedures for said purpose, subject to necessary approvals by the Board of County Commissioners.

(3) Monies deposited in the Trust along with any interest earnings on such monies shall be used solely to increase and improve the supply of affordable housing to households in the affordable target income group, including, but not limited to acquisition of property and property rights, cost of construction including costs associated with planning, administration, design, building or installation, as well as any other costs associated with the construction or financing of affordable housing, and reimbursement to the County for such costs if funds were advanced by the County from other sources. To the maximum extent possible, all monies should be used to provide for additional affordable housing and services.

(a) No more than five percent (5%) of the monies in the Trust may be used to cover reasonable administrative expenses not reimbursed through processing fees, including reasonable consultant and legal expenses related to the establishment and/or administration of the Trust and reasonable expenses for administering the process of calculating, collecting, and accounting for any deferred County fees authorized by this section. No portion of the Trust may be diverted to other purposes by way of loan or otherwise.

(b) Monies in the Trust shall be used to construct, acquire, rehabilitate or subsidize affordable housing and/or to assist other governmental entities, private organizations or individuals in the construction, acquisition, rehabilitation, reimbursement of County advanced funds, location or subsidy of affordable housing. Monies in the Trust may be disbursed, hypothecated, collateralized or otherwise employed for these purposes from time to time as the Board of County Commissioners determine is appropriate to accomplish the purposes of the Trust. These uses include, but are not limited to, assistance for equity participation loans, grants, pre-home ownership co-investment, pre-development loan funds, participation leases, or other public/private partnership arrangements. The Trust shall recommend an appropriate annual allocation for the exercise by the County Manager of any and all rights of first refusal held by the County or all rights to pay off any senior lenders seeking to foreclose upon or take any other action against an affordable housing dwelling unit, and when the exercise of said rights is for the direct and exclusive purpose of providing affordable housing for those households which are intended to benefit from the Trust. The Trust monies may be extended for the benefit of rental or owner occupied housing.

(c) Except where Federal and State laws or regulations or the Miami-Dade Code mandate to the contrary, monies deposited in the Trust that are used to construct, acquire, rehabilitate or subsidize affordable housing and/or to assist other governmental entities, private organizations or individuals in the construction, acquisition, rehabilitation, reimbursement of County advanced funds, location or subsidy of affordable housing shall, whenever feasible, be disbursed in a manner to assure that the housing supply created with these monies is accessible to a range of family whose incomes do not exceed the U.S. Department of Housing and Urban Development's published standards for moderate income households, adjusted for family size.

(d) In accordance with the requirements of subsection (c) of this Section, the affordable rental housing units that are constructed, acquired rehabilitated or subsidized either by the County or other governmental entities, private organizations or individuals shall be offered at affordable rents exclusively to households whose income does not exceed the U.S. Department of Housing and Urban Development's published standard for moderate income households, adjusted for family size. Of these affordable units in rental projects, (1) forty percent (40%) of the total units in the project shall be offered at an affordable rent to households whose income does not exceeds the published standard for extremely low income and very low income households, adjusted for family size; (2) thirty percent (30%) of the total units in the project shall be offered at an affordable rent to households whose income does not exceeds the published standard for low income households, adjusted for family size; and (3) thirty percent (30%) of the total units in the project shall be offered at an affordable rent to households whose income does not exceeds the published standard for moderate income households, adjusted for family size. In the event there are insufficient eligible households within an income target range to be offered affordable housing units within a project, then the percentage of the unused units within that target income range shall be added to the next target income range up to an additional ten percent (10%). Any amounts in excess of ten percent (10%) shall be equitably distributed among the remaining households in the remaining target income ranges.

(e) In accordance with the requirements of subsection (c) of this Section, the affordable housing units in for-sale projects that are constructed, acquired rehabilitated or subsidized either by the County or other governmental entities, private organizations or individuals shall be sold at affordable housing cost for owner occupancy to households whose income does not exceed one hundred and forty percent (140%) of the area median income. Of these affordable units to be sold, (1) twenty percent (20%) of the total units in the project shall be offered at an affordable sales price to households whose income does not exceed the published standard for extremely low income and very low income households, adjusted for family size; (2) thirty percent (30%) of the total units in the project shall be offered at an affordable sales price to households whose income does not exceed the published standard for low income households, adjusted for family size; and (3) fifty percent (50%) of the total units in the project shall be offered at an affordable sales price to households whose income does not exceed the published standard for moderate income households, adjusted for family size. In the event there are insufficient eligible households within an income target range to be offered affordable housing units within a project, then the percentage of the unused units within that target income range shall be added to the next target income range up to an additional ten percent (10%). Any amounts in excess of ten percent (10%) shall be equitably distributed among the remaining households in the remaining target income ranges.

(4) Funds allocated to Miami-Dade County by the United States Department of Housing and Urban Development for the administration of federally subsidized housing programs, such as the public housing and the Section 8 Housing Choice Voucher programs, and the Surtax and SHIP program funds and other funds received or budgeted for Miami-Dade County's Local Housing Assistance program and deposited into the Local Housing Assistance Trust Fund established pursuant to [Section 17-104](../level3/PTIIICOOR_CH17HO_ARTVILOHOASPR.docx#PTIIICOOR_CH17HO_ARTVILOHOASPR_S17-104LOHOASTRFU) of the Code shall not be deposited into the Trust established herein.

(Ord. No. 07-15, § 1, 2-6-07)

Sec. 17-133. Membership.

(1) *Members.* The governing body of the Trust shall be a Board of Trustees composed of nine (9) members, none of whom shall be employees of the Miami-Dade County. The members shall be the following:

(a) One (1) member representing the financial or investment banking community;

(b) One (1) member nominated by the Chairperson of the Board of County Commissioner's Committee which has jurisdiction over housing and community and economic development;

(c) One (1) member with a background in public sector budgeting and finance;

(d) One (1) member nominated by the Metro-Miami Action Plan Trust;

(e) One (1) member nominated by the Dade Affordable Housing Advisory Board;

(f) One (1) member nominated by Miami-Dade Housing Finance Authority;

(g) One (1) member representing the non-profit developer community;

(h) One (1) member representing the insurance community; and

(i) One (1) member from the private home builders community.

The Chair of the Board of the County Commissioners shall contact each of the entities referenced in [Section 17-133](../level3/PTIIICOOR_CH17HO_ARTVIIIAFHOTRFUMIDECOFL.docx#PTIIICOOR_CH17HO_ARTVIIIAFHOTRFUMIDECOFL_S17-133ME) (1) to obtain the names of interested and eligible persons and their resumes. The Chair shall obtain a pool of no less than three (3) names of candidates per seat on the Trust. Upon receipt of the names all candidates, the Chair shall forward them by resolution to the Board of County Commissioners. From the pool of candidates for each seat, the Board of County Commissioners shall appoint one (1) eligible person to serve as a member of the Board of Trustees.

Individuals shall be appointed based on the following criteria:

(a) Knowledge of and demonstrable service to the affordable housing community;

(b) Representation of the diverse populations of the Miami-Dade County community, including the proportional representation of women; and

(c) Special expertise in affordable housing.

Members of the Trust shall serve without compensation but shall be entitled to reimbursement for necessary expenses incurred in the discharge of their duties.

(2) *Vacancies on Board of Trustees.* Vacancies on the Board of Trustees shall be filled in the same manner by which the original Trustees were appointed, with a special emphasis on choosing persons who represent the demographic composition of the entire community.

(3) *Qualifications of Members.* Each member of the Board of Trustees shall be a permanent resident and duly qualified elector of Miami-Dade County, unless the Board of County Commissioners waives the residency requirement by a two-thirds (2/3) vote of its membership, and shall be of an outstanding reputation of integrity, responsibility, and commitment to serving the community.

(4) *Tenure and Removal of Members.* All members shall serve staggered terms of three (3) years each, provided, however, of the original Board of Trustees, two (2) members shall serve for a term of one (1) year; two (2) members shall serve for a term of two (2) years; and three (3) members shall serve for a term of three (3) years. No trustee shall be permitted to serve more than two (2) consecutive and complete terms of three (3) years each unless so authorized by two-thirds (2/3) vote of the full membership of the Board of County Commissioners. Trustees may be removed in accordance with the provisions of [Chapter 2-11.38](../level3/PTIIICOOR_CH2AD_ARTIBSTCRREBOGE.docx#PTIIICOOR_CH2AD_ARTIBSTCRREBOGE_S2-11.38MEBO) of the Code of Miami-Dade County.

(5) *Organization of the Board of Trustees.*

(a) *Officers.* The Trust shall organize after the members thereof have qualified to serve and shall, each fiscal year, elect one (1) of its voting members as chairperson and one (1) of its voting members as vice-chairperson and shall designate a secretary who may or may not be a member of the Board, and such other officers as the Trust may determine to be necessary. In addition, the Trust shall make, adopt and amend by-laws, rules and regulations for its own governance and for the operation, governance, restoration, preservation and maintenance of designated facilities.

(b) *Meetings.* The Trust shall hold regular meetings, no less then six (6) times per year, and such other meetings, as it deems necessary. Five (5) members shall constitute a quorum. Minutes shall be kept of all meetings of the Trust and all meetings shall be duly noticed to the public.

(c) *Committees.* The chairperson shall nominate and the Trust shall appoint the chairperson and members of such committees as the Trust shall find helpful to their mission, however, no authority to act or speak in the name of the Trust shall be delegated to a committee. Each committee shall be chaired by a duly appointed member of the Trust, however, committee membership may include persons who are not members of the Trust. The Trust may establish or eliminate committees at its discretion.

(d) *Applicability of County rules and procedures.* The Trust shall at all times operate under the Florida Open Government laws, including the "Sunshine Law," public meeting laws and public records laws and shall be governed by all State and County conflict of interest laws, as applicable, including the Miami-Dade County Conflict of Interest and Code of Ethics Ordinance, [Sec. 2-11.1](../level3/PTIIICOOR_CH2AD_ARTIINGE.docx#PTIIICOOR_CH2AD_ARTIINGE_S2-11.1COINCOETOR) of the Code of Miami-Dade County.

(e) *Voting Requirements.* Trustees may not designate alternates to vote on their behalf or vote by proxy.

(f) *Attendance requirement.* Notwithstanding any other provision of this Code, any board member shall be automatically removed if, in a given fiscal year:

(i) He or she is absent from two (2) consecutive meetings without an acceptable excuse;

(ii) He or she is absent from three (3) of the Trust's meetings without an acceptable excuse; or

(iii) Whether excused or not, he or she misses two-thirds (2/3) of the Trust's meetings in a given fiscal year. A member shall be deemed absent from a meeting when he or she is not present at the meeting at least seventy-five (75) percent of the time. An "acceptable excuse" is defined as an absence for medical reasons, business reasons, personal reasons, or any other reason which the Trust, by a two-thirds (2/3) vote of the membership, deems appropriate. By a two-thirds (2/3) vote of the members of the full Board of Trustees, the provisions of this section may be waived.

(g) The County Manager shall provide to the Trust adequate staff and support services to enable it to carry out its purposes.

(Ord. No. 07-15, § 1, 2-6-07)

Sec. 17-134. Powers.

The Trust shall have the power to invite individuals to address it, to hold public hearings, workshops and seminars. The Trust shall have all the powers necessary to carry out its purposes. The Trust cannot commit itself or the County to any expenditure of funds without the specific approval of the Board of County Commissioners, or of the County Manager, under circumstances when the Board of County Commissioners has delegated that authority to him or her.

Expenditures by the Trustees from the Trust shall be controlled, authorized and paid in accordance with County policy and upon approval of the Board of County Commissioners. Execution of contracts related to the use or administration of Trust monies shall be in accordance with standard County policy.

(Ord. No. 07-15, § 1, 2-6-07)

Sec. 17-135. Financial audit of fund.

The County shall provide for an independent financial audit of the Trust each fiscal year and report of such audit. Such report shall describe the amount and source of deposits into, and amount and purpose of withdrawals from the Trust during such fiscal year and the amount and principal and interest paid during such year or any indebtedness to which is pledged and the remaining amount of such indebtedness.

(Ord. No. 07-15, § 1, 2-6-07)

Sec. 17-136. Reports to the Board of County Commissioners.

The Trustees shall submit regular reports to the Board of County Commissioners concerning compliance with the provisions of this article. This report shall be provided on a semi-annual basis for the first two years after the effective date of this ordinance, and annually thereafter, to include but not be limited to an evaluation of the affordable housing needs in Miami-Dade County and the uses and expenditures of the Trust.

(Ord. No. 07-15, § 1, 2-6-07)

Sec. 17-137. Liberal construction to effectuate public purpose.

This article, being for the public purpose and for the long-term welfare of the present and future citizens of Miami-Dade County, Florida, shall be liberally construed to effect the purposes hereof.

(Ord. No. 07-15, § 1, 2-6-07)

### ARTICLE IX. WORKFORCE HOUSING DEVELOPMENT PROGRAM ADMINISTRATION

[Sec. 17-138. Short title.](#BK_CFFE4B9DAAE1112F4F34069113E61499)

[Sec. 17-139. Purpose.](#BK_8E327A81D12667B95041BC1E34461AD4)

[Sec. 17-140. Definitions.](#BK_71F397DA8A23E50D606C16E7BA150F51)

[Sec. 17-141. Applicability.](#BK_923497424D4431C42F90BB3F0CDDFBF1)

[Sec. 17-142. Compliance procedures.](#BK_CF5267E5E685C5A57E4E260DC4B18B2A)

[Sec. 17-143. Eligibility of households for workforce housing units.](#BK_F9301899A02442C74543FAD2F3505496)

[Sec. 17-144. Affordability controls.](#BK_89D441FD13320A170575F27A9DDE81C0)

[Sec. 17-145. Trust Fund Expenditures.](#BK_7DF0DCC49F54D6668D0013A83312C9B4)

[Sec. 17-146. Reports to the Board of County Commissioners.](#BK_75832A036B79C03781B212476ADE6ECF)

[Sec. 17-147. Enforcement.](#BK_4DBDE9A50CE5F6A86E5F736E979B2B66)

Sec. 17-138. Short title.

This article shall be referred to as "Workforce Housing Development Program Administration."

(Ord. No. 07-05, § 19, 1-25-07; Ord. No. 08-51, § 1, 5-6-08)

Sec. 17-139. Purpose.

The purpose of this article is to create administrative procedures for the implementation of the Workforce Housing Development Program established pursuant to Chapter 33, Article XIIA of the Code of Miami-Dade County.

(Ord. No. 07-05, § 19, 1-25-07; Ord. No. 08-51, § 1, 5-6-08)

Sec. 17-140. Definitions.

The definitions contained in Chapter 33, Article XIIA of the Code of Miami-Dade County, shall apply to this chapter in addition to the following:

(1) "Area median income" means the median income level for the Miami-Dade County Metropolitan Statistical Area, as established and defined in the annual schedule published by the Secretary of the U.S. Department of Housing and Urban Development, and adjusted for household size.

(2) "Certificate of qualification" means a certificate issued by the Department establishing a qualified household's eligibility to purchase or rent a workforce housing unit ("WHU"). Certificates of qualification shall be valid for 12 months. The certification criteria are set by administrative order.

(3) "Condominium" means that form of ownership of real property created pursuant to Chapter 718 of the Florida Statutes, which is comprised entirely of units that are owned by one or more persons, and which there is, appurtenant to each unit, an undivided share in common elements.

(4) "Condominium conversion" has the meaning established by sections 718.604—718.622 of the Florida Statutes.

(5) "Control period" means each 20-year period during which the affordability restrictions imposed by this article shall apply. The control period begins at the time of any sale or resale of the affected unit by every new WHU owner.

(6) "Covered development" means all developments providing WHUs or monetary contributions in lieu thereof pursuant to Chapter 33, Article XIIA of the Code of Miami-Dade County.

(7) "Department" means, unless otherwise indicated, the Office of Community and Economic Development for the Miami-Dade Housing Agency or any successor agency.

(8) "Developer" means any person, firm, corporation, partnership, limited liability company, association, joint venture, or any entity or combination of entities that apply for development orders or permits for residential dwelling units seeking to utilize the density or intensity bonus available pursuant to Chapter 33, Article XIIA of the Code of Miami-Dade County Florida, but does not include the state or any county, municipality, or any governmental entity.

(9) "Director" means, unless otherwise indicated, the Director of the Office of Community and Economic Development for the Director of the Miami-Dade Housing Agency, or designee.

(10) "Eligible household" means, subject to the provisions of [section 17-134](../level3/PTIIICOOR_CH17HO_ARTVIIIAFHOTRFUMIDECOFL.docx#PTIIICOOR_CH17HO_ARTVIIIAFHOTRFUMIDECOFL_S17-134PO) hereof, a household whose total income is between 65% and 140% of Area Median Income.

(11) "Eligible household income" means any income derived from any proposed occupants of a WHU who are 18 years of age or older and who will use the WHU as their primary residence.

(12) "Household" means any natural person who occupies a WHU as his or her primary residence.

(13) "Market rate dwelling units" means all dwelling units in a covered development that are not WHUs as defined herein.

(14) "Qualified household" means an eligible household that has received a certificate of qualification from the Department.

(15) "Workforce housing unit rent" or "WHU rent" means rents that do not exceed the monthly Fair Market Rent as determined for Miami-Dade County by the U.S. Department of Housing and Urban Development (published annually at http://www.huduser.org/datasets/fmr/fmrs/index.asp?data=fmr06).

(16) "Workforce housing unit sales price" or "WHU sales price" shall mean the sales price set by the Director pursuant to an administrative order, not to exceed an amount affordable at the maximum workforce housing target income range, as defined in Chapter 33, Article XIIA of the Code of Miami-Dade County, taking into account (a) family size: (b) an annual fixed interest rate based on a thirty (30) year mortgage term; (c) payment of up to five percent (5%) down payment by a qualified household; and (d) an estimation of annual property taxes, assessments, loan insurance and financing fees, allowances for property maintenance and repairs, homeowners insurances, homeowner association fees, if any, and allowances for utilities.

(Ord. No. 07-05, § 19, 1-25-07; Ord. No. 08-51, § 1(2), 5-6-08)

Sec. 17-141. Applicability.

The provisions of this article shall apply to all WHU development subject to the provisions of Chapter 33, Article XIIA of the Code of Miami-Dade County.

(Ord. No. 07-05, § 19, 1-25-07; Ord. No. 08-51, § 1, 5-6-08)

Sec. 17-142. Compliance procedures.

(A) Workforce Housing Declaration of Restrictive Covenants and Workforce housing agreement

(1) Every WHU established pursuant to Chapter 33, Article XIIA of the Code of Miami-Dade County shall be offered for sale or rental to a qualified household to be used for his or her own primary residence. The County, through the Director, shall publish a pricing schedule of rental and sales prices for WHUs in accordance with this article.

(2) Any developer or other property owner offering a WHU for initial sale or rental shall record in the public records one or more covenants or declarations of restrictions in a form approved by the County. Such covenants or declarations of restrictions shall include the WHU Agreement, and such further arrangements, restrictive covenants, and resale or rental restrictions as are necessary to carry out the purposes of this article. The developer or other property owner must execute and record a declaration of restrictive covenants assuring that:

(a) the restrictions of this article shall run with the land for the entire control period;

(b) the covenants will bind the applicant, any assignee, mortgagee, or buyer, and all other parties that receive title to or interest in the property. These covenants shall be senior to all instruments securing permanent financing.

(3) Each qualified household purchasing a WHU shall be required to record a mortgage in favor of Miami-Dade County. A promissory note shall be executed by each qualified household and secured by said mortgage. Said mortgage shall set forth the same covenants, along with the refinancing and resale restrictions as those included in the restrictive covenants required by this section, and shall requirement of acknowledgment of the County's right of first refusal as set forth in [section 17-135](../level3/PTIIICOOR_CH17HO_ARTVIIIAFHOTRFUMIDECOFL.docx#PTIIICOOR_CH17HO_ARTVIIIAFHOTRFUMIDECOFL_S17-135FIAUFU)(B) and (C).

(B) WHUs offered for sale during the initial or any control period shall not be offered for a price greater than the current maximum WHU sales price as determined by the Department at the time of sale.

(C) A new twenty (20) year control period shall commence upon any resale and/or transfer to a new owner of such WHU within the initial 20-year control period. Any WHU that is owned for an entire 20 year control period by the same individual(s), shall be released from the sales price restrictions under the program. Upon the expiration of the control period the County shall record in the public records of Miami-Dade County an instrument or document releasing the WHU from the restrictive covenant required by this program.

A WHU may not be resold during the control period set forth herein for an amount that exceeds the WHU sales price set by administrative order. Prior to offering the dwelling unit for sale during the control period, the WHU owner shall obtain the Director's written approval of the WHU sales price.

The covenants recorded by each developer or other property owner of WHUs shall state in said covenant that the unit is subject to the following provisions:

1. The covenants shall be senior to all instruments securing permanent financing, and shall bind all assignees, mortgagees, purchasers and other successors in interest.

2. The total aggregate amount of principal and accrued interest for all financing secured by an individual upon his or her initial purchase of a WHU shall not exceed 105% of the loan-to-value. Any financing in excess of the lesser of (1) Department's maximum WHU sales price at the time of closing; or (2) the property's appraised value shall not be secured by any interest in the applicable individual WHU.

No sale, transfer or foreclosure shall affect the validity of the covenants except as expressly set forth in the provisions of this article.

(Ord. No. 07-05, § 19, 1-25-07; Ord. No. 08-51, § 1, 5-6-08)

Sec. 17-143. Eligibility of households for workforce housing units.

Eligibility for rental or purchase of WHUs shall be determined pursuant to an administrative order approved by the Board of County Commissioners and shall be based on household size and income. An eligible household must receive a certificate of qualification from the Department to become a qualified household for a WHU, in accordance with the procedures prescribed by the administrative order.

Eligibility for continued ownership or rental of a WHU shall be contingent upon the qualified household's use of the WHU as its primary residence.

(A) A qualified household that purchases a WHU and that discontinues occupancy of the unit as its primary residence shall be in default of the mortgage recorded against the WHU by the County.

(B) A qualified household that leases a WHU and that discontinues occupancy of the unit as its primary residence shall be required to vacate said unit.

(Ord. No. 07-05, § 19, 1-25-07; Ord. No. 08-51, § 1, 5-6-08)

Sec. 17-144. Affordability controls.

(A) *Initial sale or rental.*

(1) Every WHU established under this article and Chapter 33, Article XIIA of the Code of Miami-Dade County, shall be offered for sale or rental to an eligible household to be used for his or her own primary residence.

(2) Sixty (60) days prior to offering any new WHU for sale or rent, the developer or other property owner shall notify the Department of such offering. The notice shall set forth the number, size, price established by applicable administrative order, and location of the WHU offered and shall provide a description of each WHU's finishes and availability. The Department may request additional information from the developer or other property owner as it deems necessary.

(3) Upon notification from the developer or other property owner, the Department shall make such notice available to eligible households through its web site, a prominently located posting at the Department, and other locations designated by the County.

(4) If the Department determines an eligible household qualifies for the rental or owner-occupied WHUs, the Department will issue a certificate of qualification. In order to receive a certificate of qualification, an eligible household must provide an affidavit that the WHU will be its primary residence.

(5) A qualified household that has purchased a WHU shall not lease said WHU.

(6) Upon resale or re-rental of a WHU, each qualified household must first obtain a valid certificate of qualification from the prospective eligible household.

(B) *Right of first refusal.*

(1) *Initial Sale.* The developer or other property owner of a WHU shall agree to execute a document consistent with a model restriction prepared by the Department, granting to the County, among other things, the County's right of first refusal to purchase the WHU in the event that a qualified household does not execute a contract for purchase within six (6) months from the date the WHU is offered for sale. In the event that no qualified household purchases a WHU within six (6) months from the date the WHU is first offered by the developer or other property owner, the Director shall recommend to the County Manager whether the County should exercise its right of first refusal to purchase the WHU at the WHU sales price. If the County Manager concurs, the Director shall notify the developer or other property owner of the County's decision. The County Manager is authorized to exercise the right of first refusal provided hereunder, with funds allocated from the Affordable Housing Trust Fund established pursuant to [Section 17-129](../level3/PTIIICOOR_CH17HO_ARTVIIIAFHOTRFUMIDECOFL.docx#PTIIICOOR_CH17HO_ARTVIIIAFHOTRFUMIDECOFL_S17-129SHTI), et. seq., Code of Miami-Dade County or any other authorized source, for the direct and exclusive purpose of providing workforce housing for those households meeting the workforce housing eligibility requirements. Notwithstanding this authorization to purchase, the County Manager shall bring to the Board of County Commissioners a resolution seeking ratification of said purchase at the next available Board meeting following the purchase of the WHU.

(2) *Resale.* Any qualified household that intends to sell its WHU prior to the expiration of the control period shall provide written notification to the Department pursuant to subsection (C) below. In the event the qualified household does not execute a contract for purchase within six (6) months from the date the WHU is first offered for resale, the County shall have a right of first refusal to purchase the WHU. The Director shall recommend to the County Manager whether the County should exercise its right of first refusal to purchase the WHU at the WHU sales price. If the County Manager concurs, the Director shall notify the qualified household of the County's decision. The County Manager is authorized to purchase the WHU, without prior approval from the Miami-Dade Board of County Commissioners, from the funds earmarked in the Affordable Housing Trust Fund, which has been established pursuant to [Section 17-129](../level3/PTIIICOOR_CH17HO_ARTVIIIAFHOTRFUMIDECOFL.docx#PTIIICOOR_CH17HO_ARTVIIIAFHOTRFUMIDECOFL_S17-129SHTI) et seq., Code of Miami-Dade County, or any other authorized source, for the direct and exclusive purpose of providing workforce housing for those households meeting the workforce housing eligibility requirements. Notwithstanding this authorization to purchase, the County Manager shall bring to the Board of County Commissioners a resolution seeking ratification of said purchase at the next available Board meeting following the purchase of the WHU.

(C) *Control of resale prices.*

(1) The maximum sales price, with the exception of sales under order of court, permitted on resale of a WHU shall be the lesser of:

(a) the maximum sales price for a WHU as set by the Department at the time of resale to an eligible household; or

(b) the market value of the unit for sale.

(2) The WHU may be resold to any eligible household. Any qualified household that has purchased a WHU shall notify the Department in writing of his or her intent to offer the WHU for resale. The qualified household shall not sell the WHU for an amount in excess of the allowable WHU sales price.

(3) Before closing a sale, the seller of the WHU shall submit to the Department for approval (which approval shall not be unreasonably withheld or delayed):

(a) a copy of the proposed sales contract;

(b) a signed copy of the buyer's certification of qualification (if not provided by the Department); and

(c) an affidavit signed by the seller and the buyer attesting to the accuracy of all documents and conditions of the sale.

(4) No resale of a WHU shall be considered to be in compliance with this article until all required documents and affidavits have been submitted to and approved by the Department.

(5) The Department shall either approve or disapprove all required documents and affidavits in writing no later than five (5) business days after they are submitted to the Department. The Department's failure to issue such approval or disapproval within the required time period shall result in such documents and affidavits being deemed approved. If the Department disapproves such documents or affidavits then the Director shall provide the seller, in writing, with reasons for such disapproval and an opportunity to correct any deficiencies.

(D) *Resale requirements during the control period.* The County Manager may adopt additional requirements for reselling WHUs consistent with this article, including without limitation a requirement that within forty-eight (48) hours prior to closing, a seller submit to the Department for approval:

(1) a copy of the proposed sales contract, including a list and the price of any personal property included in the sale;

(2) a signed copy of the settlement sheet; and

(3) an affidavit signed by the seller and buyer attesting to the accuracy of all documents and conditions of the sale.

(E) *Foreclosures and other proceedings.*

(1) If any qualified household of a WHU defaults on its mortgage with the County and said default is not cured within the applicable time periods, then the whole debt secured by said mortgage, with all interest thereon, and all other amounts thereby secured shall, at the option of the County, become immediately due and payable. In the event any qualified household of a WHU fails to cure the default, the County shall have the right to legally enforce the term of the mortgage or collect the debt in any action at law, including but not limited to a proceeding in foreclosure. Any proceeds, including any expenses or expenditures incurred and recovered by the County, shall be deposited in the Affordable Housing Trust Fund. These funds shall not be commingled with any other funds deposited into the Affordable Housing Trust Fund that are not associated with the WHU program, but shall be deposited into a separate account.

(2) In any suit, action or proceeding, including without limitation bankruptcy, probate or any other suit, action or proceeding affecting the WHU, any monies recovered by the County shall be deposited into the Affordable Housing Trust Fund.

(3) Notwithstanding subsection E (1) and (2), in the event of default by a qualified household on any senior mortgage associated with a WHU, the County Manager is authorized to pay off said senior mortgage and assume ownership of the WHU by using funds from the Affordable Housing Trust Fund for resale to an eligible household. The defaulting qualified household shall be required to vacate the WHU as authorized by law. The County Manager is further authorized to purchase any WHU that is sold as a result of any suit, action or proceeding, including but not limited to foreclosure, bankruptcy, probate or any other suit, action or proceeding affecting the WHU. Notwithstanding this authorization to purchase, the County Manager shall bring to the Board of County Commissioners a resolution seeking ratification of said purchase at the next available Board meeting following the purchase of the WHU.

(F) *Rental WHU Requirements.*

(1) All qualified households must be provided a lease with a minimum period of twelve (12) months. The lease must comply with all applicable federal and state laws. The lease shall include without limitation provisions that specify the maximum household size allowed in the unit; a prohibition against subleasing; and a requirement that the qualified household shall report any changes in household size or income during the tenancy. Qualified households shall comply with all monitoring requirements established by the Department.

(2) If a qualified household's income increases above the maximum allowed income levels, the qualified household may choose to remain in the WHU for the remainder of the lease term. If the formerly qualified household and the developer or other property owner agree to extend the lease term, the developer or other property owner shall make the next comparable vacant unit at the covered development available to an eligible household at the WHU rent.

(Ord. No. 07-05, § 19, 1-25-07; Ord. No. 08-51, § 1, 5-6-08)

Sec. 17-145. Trust Fund Expenditures.

Funds from the workforce housing development program deposited into the Affordable Housing Trust Fund, including, without limitation, monetary contributions in lieu of development of workforce housing units, shall only be used to increase opportunities to obtain workforce housing for households earning 65% to 80% of the area median income. Notwithstanding the foregoing, when exercising the right of first refusal pursuant to [Section 17-144](../level3/PTIIICOOR_CH17HO_ARTIXWOHODEPRAD.docx#PTIIICOOR_CH17HO_ARTIXWOHODEPRAD_S17-144AFCO), the County Manager may utilize monies deposited into the Affordable Housing Trust Fund from the workforce housing development program without limitation.

(Ord. No. 07-05, § 19, 1-25-07; Ord. No. 08-51, § 1, 5-6-08)

Sec. 17-146. Reports to the Board of County Commissioners.

The Director shall submit regular reports to the Miami-Dade Board of County Commissioners concerning compliance with the provisions of this article. This report shall be provided on a semi-annual basis for the first two (2) years after the effective date of this ordinance, and annually thereafter, to include but not be limited to continuing to evaluate the need for workforce housing, the uses of and expenditures from the Affordable Housing Trust Fund, and the effectiveness of the program.

(Ord. No. 07-05, § 19, 1-25-07; Ord. No. 08-51, § 1, 5-6-08)

Sec. 17-147. Enforcement.

(A) The provisions of this article shall apply to all agents, successors and assignees of a qualified household.

(B) This article shall be enforceable in accordance with the provisions of [Chapter 8CC](../level2/PTIIICOOR_CH8CCCOEN.docx#PTIIICOOR_CH8CCCOEN) of this Code. Violations of this article shall also be punishable by a fine not to exceed one thousand dollars ($1,000.00) or by imprisonment in the county jail for a period not to exceed sixty (60) days, or by both such fine and imprisonment, in the discretion of the county court. Any continuing violations of the provisions of this article may be enjoined and restrained by injunctive order of the circuit court in appropriate proceedings instituted for such purpose.

(Ord. No. 07-05, § 19, 1-25-07; Ord. No. 08-51, § 1, 5-6-08)

### ARTICLE X. COMMUNITY AFFORDABLE HOUSING STRATEGIES ALLIANCE

[Sec. 17-148. Creation.](#BK_E036934DF5A875A2486BF56E698BA2D5)

[Sec. 17-149. Membership requirements; appointment of members; terms; removal.](#BK_D82ED8A2D48C000F7802F42A3AF516D2)

[Sec. 17-150. Organization.](#BK_0A962D7680F8577E222CABF1C17A7449)

[Sec. 17-151. Meetings.](#BK_7923EB9E425ED89A31673B6F600D67F9)

[Sec. 17-152. Powers and duties.](#BK_40086240210464D2481A4A3E8E665F3D)

[Sec. 17-153. Applicability of county rules and procedures.](#BK_03BCC2F30806577F4BEB44C60836D920)

[Sec. 17-154. Reports.](#BK_27BB6D5AE149BD01293FE31CBD5214EE)

Sec. 17-148. Creation.

There is hereby created and established the Community Affordable Housing Strategies Alliance (hereinafter referred to as the "CAHSA").

(Ord. No. 07-121, § 1, 9-4-07)

Sec. 17-149. Membership requirements; appointment of members; terms; removal.

(a) The CAHSA shall be composed of thirty-three (33) voting members from the following categories of representatives:

(1) One (1) representative from the Greater Miami Chamber of Commerce;

(2) One (1) representative from the Miami-Dade Chamber of Commerce;

(3) One (1) representative from the Miami-Dade County League of Cities, Inc.;

(4) One (1) representative from the Housing Opportunities Project for Excellence, Inc. (HOPE, Inc.);

(5) One (1) representative from the Local ACORN - State Chapter ACORN;

(6) One (1) representative from the Legal Services of Greater Miami, Inc.;

(7) One (1) representative from the Beacon Council;

(8) One (1) representative from the Florida International University;

(9) One (1) representative from the Miami Worker Center;

(10) One (1) representative from the Human Services Coalition;

(11) One (1) representative from the Area Alliance on Aging;

(12) One (1) representative from Fannie Mae;

(13) One (1) representative from Tools for Change;

(14) One (1) representative from the Miami-Dade Affordable Housing Advisory Board;

(15) One (1) Private Not-for Profit Affordable Developer;

(16) One (1) For-Profit Affordable Developer;

(17) One (1) representative from the Miami-Dade Affordable Housing Foundation;

(18) One (1) representative from the Miami-Dade Equal Opportunity Board;

(19) One (1) representative from the Miami Business Forum;

(20) One (1) representative from the Community Partnership for the Homeless;

(21) One (1) representative from the Partnership for Recovery;

(22) One (1) representative from the Miami-Dade Homeless Trust;

(23) One (1) representative from People Acting for Community Together;

(24) One (1) representative from the Alliance for Human Services;

(25) One (1) representative from the Overall Tenant Advisory Council;

(26) One (1) representative from the Metro-Miami Action Plan Trust;

(27) One (1) representative from the Builder's Association of South Florida;

(28) One (1) representative from the Hialeah Chamber of Commerce;

(29) One (1) representative from the Latin Builder's Association, Inc.;

(30) One (1) representative from the Latin Chamber of Commerce (CAMACOL);

(31) One (1) representative from the Coalition of Florida Farmers' Organization (COFO);

(32) One (1) person actively engaged in the housing industry in Miami-Dade County; and

(33) One (1) representative from the Miami-Dade Branch of the National Association for the Advancement of Colored People.

(b) Alternate members may be appointed for each seat. Alternate members shall be nonvoting members of the CAHSA except when the voting member appointed to that category of representatives is unable to serve, at which time an alternate member of the same category of representatives shall serve as voting member.

(c) Members shall be appointed in accordance with Sections [2-11.38](../level3/PTIIICOOR_CH2AD_ARTIBSTCRREBOGE.docx#PTIIICOOR_CH2AD_ARTIBSTCRREBOGE_S2-11.38MEBO) and [2-11.38.1](../level3/PTIIICOOR_CH2AD_ARTIBSTCRREBOGE.docx#PTIIICOOR_CH2AD_ARTIBSTCRREBOGE_S2-11.38.1PRAP) of the Code of Miami-Dade County. However, the Chair of the Board of the County Commissioners shall contact each of the entities referenced in [Section 17-149](../level3/PTIIICOOR_CH17HO_ARTXCOAFHOSTAL.docx#PTIIICOOR_CH17HO_ARTXCOAFHOSTAL_S17-149MEREAPMETERE)(a) to obtain the names of interested and eligible persons and their resumes. Upon receipt of the names of all candidates, the Chair shall forward them by resolution to the Board of County Commissioners for final approval. Ex officio members shall be appointed in the same manner by which voting members are appointed, and at a minimum shall [appoint] ex officio members from the following categories of representatives:

(1) One (1) representative from the Dade Legislative Representatives;

(2) One (1) representative from the U.S. Legislative Representatives;

(3) One (1) representative from the U.S. Department of Housing and Urban Development.

Individuals shall be appointed based on the following criteria:

(1) Knowledge of and demonstrable service to the affordable housing community;

(2) Representation of the diverse populations of the Miami-Dade County community, including the proportional representation of women; and

(3) Special expertise in affordable housing.

CAHSA members shall serve without compensation but shall be entitled to reimbursement for necessary expenses incurred in the discharge of their duties.

(d) *Vacancies.* Vacancies shall be filled in the same manner by which the original members were appointed, with a special emphasis on choosing persons who represent the demographic composition of the entire community.

(e) *Qualifications of Members.* Each member of the Board of Trustees shall be a permanent resident and duly qualified elector of Miami-Dade County, unless the Board of County Commissioners waives the residency requirement by a two-thirds (2/3) vote of its membership, and shall be of an outstanding reputation of integrity, responsibility, and commitment to serving the community.

(f) *Tenure and Removal of Members.* All members shall serve staggered terms of three (3) years each, provided, however, of the original members, eighteen (18) members shall serve for a term of one (1) year and eighteen (18) members shall serve for a term of two (2) years. No member shall be permitted to serve more than two (2) consecutive and complete terms of three (3) years each unless so authorized by two-thirds (2/3) vote of the full membership of the Board of County Commissioners. Members may be removed in accordance with the provisions of [Section 2-11.38](../level3/PTIIICOOR_CH2AD_ARTIBSTCRREBOGE.docx#PTIIICOOR_CH2AD_ARTIBSTCRREBOGE_S2-11.38MEBO) of the Code of Miami-Dade County.

(g) Attendance requirements for members shall be in accordance with [Section 2-11.39](../level3/PTIIICOOR_CH2AD_ARTIBSTCRREBOGE.docx#PTIIICOOR_CH2AD_ARTIBSTCRREBOGE_S2-11.39ATRE), except that five (5) absences, excused or unexcused, in any fiscal year shall also constitute grounds for removal. If a member appointed to represent a category listed in subsection (a) or (b) above loses such representative status, fails to maintain the qualifications for membership set forth in [Section 2-11.38](../level3/PTIIICOOR_CH2AD_ARTIBSTCRREBOGE.docx#PTIIICOOR_CH2AD_ARTIBSTCRREBOGE_S2-11.38MEBO), fails to maintain attendance requirements, voluntarily resigns, or for other good cause is removed, the member shall forfeit his/her membership.

(Ord. No. 07-121, § 1, 9-4-07; Ord. No. 08-24, § 1, 3-4-08; Ord. No. 09-30, § 1, 5-5-09)

Sec. 17-150. Organization.

(a) The CAHSA shall establish, adopt, and amend bylaws, rules, and regulations for its own governance.

(b) The CAHSA shall elect a chairperson and a chair-elect from among its members, who shall serve at the will of CAHSA. Notwithstanding the foregoing, the initial chairperson shall be the person serving as chairperson of the CAHSA Task Force pursuant to Resolution R-558-06.

(c) The chairperson shall preside at all meetings at which he or she is present. The chair-elect shall act as chairperson in the absence or inability of the chairperson.

(d) The CAHSA shall have assistance from staff designated by the County Manager and other governmental entities and legal representation from the County Attorney's Office. The staff shall maintain and keep the records of the CAHSA; prepare, in cooperation with the chairperson, the agenda for each meeting; be responsible for the preparation of such reports, minutes, documents, resolutions or correspondences as CAHSA may direct; and generally administer the business and affairs of CAHSA, subject to budgetary limitations.

(e) In order to transact any business or to exercise any power vested in the CAHSA, a quorum consisting of no less than eleven (11) voting members shall be present.

(f) The CAHSA shall not transact business or exercise its powers unless a majority of the quorum in attendance agrees to the activity. The chairperson, or five (5) CAHSA members upon written request to the chairperson, may call for a special meeting.

(g) The CAHSA may appoint committees to accomplish its tasks.

(Ord. No. 07-121, § 1, 9-4-07)

Sec. 17-151. Meetings.

The CAHSA shall hold regular meetings, no less than six (6) times per year, and such other meetings, as it deems necessary.

(Ord. No. 07-121, § 1, 9-4-07)

Sec. 17-152. Powers and duties.

The CAHSA shall have the following powers, duties, functions and responsibilities:

(a) To monitor existing housing policies which have been adopted by the Miami-Dade Board of County Commissioners, Miami-Dade Housing Agency and other departments of Miami-Dade County that administer affordable housing programs;

(b) To serve as a vetting tool for the Consultant of the Comprehensive Housing and Intervention Plan and post-planning phases;

(c) To provide review analysis into the development of the Comprehensive Housing and Intervention Plan; and

(d) To serve in an advisory capacity to the Board of County Commissioners, the Mayor, and other governmental entities with respect to affordable housing issues.

(Ord. No. 07-121, § 1, 9-4-07)

Sec. 17-153. Applicability of county rules and procedures.

The CAHSA shall at all times operate under the Florida Open Government laws, including the "Sunshine Law," public meeting laws and public records laws and shall be governed by all State and County conflict of interest laws, as applicable, including the Miami-Dade County Conflict of Interest and Code of Ethics Ordinance, [Section 2-11.1](../level3/PTIIICOOR_CH2AD_ARTIINGE.docx#PTIIICOOR_CH2AD_ARTIINGE_S2-11.1COINCOETOR) of the Code of Miami-Dade County.

(Ord. No. 07-121, § 1, 9-4-07)

Sec. 17-154. Reports.

The chairperson, chair-elect or designee shall present to the Board of County Commissioners on an annual basis a written report describing the CAHSA's activities and shall appear as needed before the Board to present any matters pertinent to CAHSA and affordable housing issues.

(Ord. No. 07-121, § 1, 9-4-07)