



MIAMI BEACH

OFFICE OF THE CITY MANAGER

NO. LTC # **073-2012**

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LETTER TO COMMISSION
CITY CLERK'S OFFICE

TO: Mayor Matti Herrera Bower and Members of the City Commission

FROM: Jorge M. Gonzalez, City Manager

DATE: March 13, 2012

SUBJECT: Transmittal of the City of North Bay Village Resolution No. 2012-04 Opposing House Bill 319.

The City of North Bay Village submitted the attached Resolution No. 2012-04 for your review, opposing House Bill 319 Pending in the Florida Legislature related to Condominium Associations.

EP
JMG/RP/lb

Attachment

RESOLUTION NO. 2012-04

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF NORTH BAY VILLAGE, FLORIDA, OPPOSING HOUSE BILL 319 PENDING IN THE FLORIDA LEGISLATURE RELATED TO CONDOMINIUM ASSOCIATIONS; PROVIDING FOR TRANSMITTAL; AND PROVIDING FOR AN EFFECTIVE DATE. (INTRODUCED BY COMMISSIONER CHERVONY AND CITY MANAGER DENNIS KELLY)

WHEREAS, the City of North Bay Village (the "City"), through its Code of Ordinances and Land Development Regulations provides tools and regulations to guide and maintain development in order to protect and enhance the physical environment of the City for the health, safety and welfare of its residents; and

WHEREAS, the City maintains standards for landscaping and property maintenance, among others; and

WHEREAS, local government regulations and standard development patterns often result in the physical concentration of condominium developments; and

WHEREAS, Condominium Associations are responsible for maintaining the common public areas in order to maintain the character and quality of the development, protect the health and safety of its residents and visitors, and preserve the economic viability of the development; and

WHEREAS, the physical appearance of each individual condominium development impacts the neighboring developments, the neighborhood, and the City as a whole; and

WHEREAS, proposed House Bill 319 ("HB 319") would significantly reduce the authority of Condominium Associations to collect legally owed Maintenance Fees, Legal Fees and Costs, Interest and Penalties on unit owners who have defaulted on payment of their Monthly Maintenance Fees which fees are essential to even the minimal maintenance of the condominium facilities; and

WHEREAS, if the Condominium Association loses the ability to collect these fees, the property owners that have not defaulted on their legal obligation to pay the monthly maintenance fees will ultimately end up paying for those who have defaulted causing Condominium Associations that are already financially troubled to become financially fragile; and

WHEREAS, the City Commission believes that this reduction in the authority of Condominium Associations to collect these fees will create a significant threat to the economic capability of Condominium Associations to maintain their properties; and

WHEREAS, the inability of Condominium Associations to fund and maintain their properties will result in property deterioration and blighting of the property; and

WHEREAS, the impacts of blighted properties travels quickly throughout neighborhoods resulting in further economic decline over larger geographic areas; and

WHEREAS, the vast majority of the City's residential units are in condominium buildings; and

WHEREAS, the City Commission desires to maintain the character, standards of living and economic viability of its neighborhoods including its significant multifamily, condominium neighborhoods; and

WHEREAS, the statutory limits on the collection of Monthly Maintenance Fees, Legal Fees and Costs, Interest and Penalties from defaulting unit owners or their lenders as proposed in HB 319 would result in a significant loss in the capabilities of these Condominiums Associations to maintain their properties, thereby making the units within the condominium more difficult to sell or rent, creating even further economic instability.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF NORTH BAY VILLAGE, FLORIDA, AS FOLLOWS:

Section 1. **Recitals.** The above Recitals are true and correct and incorporated herein by this reference.

Section 2. **Opposition of HB 319.** The City of North Bay Village (the "City") hereby opposes the passage of House Bill 319 and any related or companion legislation that would serve to reduce or limit a Condominium Associations' authority to collect all outstanding Monthly Maintenance Fees, Attorneys Fees and Costs, Interest and Penalties.

Section 3. **Transmittal.** The City Clerk is hereby directed to transmit copies of this Resolution to the Governor of the State of Florida, the President of the Florida Senate, the Speaker of the Florida House of Representatives, any Members of the Florida House of Representatives or Florida Senate introducing legislation in accordance with the terms of this Resolution, the Members of the Miami-Dade County Legislative Delegation and the Mayors and Members of the governing bodies of the local governments within Miami-Dade County.

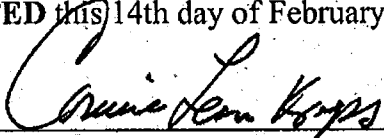
Section 4. Effective Date. This Resolution shall take effect immediately upon adoption.

The motion to adopt the foregoing Resolution was offered by Commissioner Richard Chervony, seconded by Mayor Connie Leon-Kreps.

FINAL VOTE AT ADOPTION:

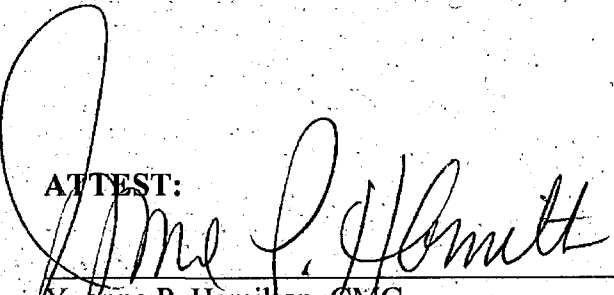
Mayor Connie Leon-Kreps	<u>Yes</u>
Vice Mayor Eddie Lim	<u>Yes</u>
Commissioner Stuart Blumberg	<u>Absent</u>
Commissioner Richard Chervony	<u>Yes</u>
Commissioner Paul Vogel	<u>Absent</u>

PASSED AND ADOPTED this 14th day of February, 2012.



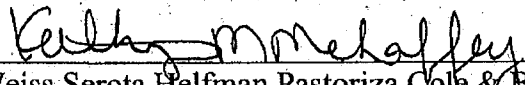
Connie Leon-Kreps, Mayor

ATTEST:



Yvonne P. Hamilton, CMC
City Clerk

**APPROVED AS TO FORM FOR THE USE
OF THE CITY OF NORTH BAY VILLAGE:**



Kelly M. Mahaffey
Weiss Serota Helfman Pastoriza Cole & Boniske, P.L.
City Attorney

City of North Bay Village Resolution: Opposing House Bill 319 regarding Condominium Associations' authority to collect fees, costs, interest and penalties.