



# Broward County

## Legislation Text

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File #: 22-820, Version: 1

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### **Broward County Commission Regular Meeting**

**Director's Name:** Andrew J. Meyers

**Department:** County Attorney

### **Information**

#### **Requested Action**

**MOTION TO ADOPT** Resolution directing the County Administrator to publish Notice of Public Hearing to be held on June 14, 2022, at 10:00 a.m., in Room 422 of the Governmental Center to consider enactment of a proposed Ordinance, the title of which is as follows:

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF BROWARD COUNTY, FLORIDA, PERTAINING TO COMMUNITY ASSOCIATIONS AND TRANSPARENCY; AMENDING ARTICLE XVI OF THE BROWARD COUNTY CODE OF ORDINANCES ("CODE"), CREATING SECTIONS 5-221 THROUGH 5-225 OF THE CODE, PROVIDING FOR TITLE, COUNTYWIDE APPLICABILITY, INTENT, FINDINGS, AND PURPOSE; REQUIRING CONDOMINIUM, COOPERATIVE, AND HOMEOWNERS' ASSOCIATIONS TO FILE A WRITTEN REGISTRATION WITH THE COUNTY CONTAINING CERTAIN INFORMATION AND DOCUMENTS; PROVIDING FOR THE CREATION OF A COUNTY-MAINTAINED PUBLICLY ACCESSIBLE, ONLINE DATABASE OF SUCH INFORMATION AND DOCUMENTS; PROVIDING FOR ENFORCEMENT; AND PROVIDING FOR SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE.

(Sponsored by Senator Nan H. Rich)

#### **Why Action is Necessary**

The proposed Ordinance was prepared by the Office of the County Attorney at the direction of the Board of County Commissioners at its meeting of April 26, 2022.

#### **What Action Accomplishes**

Enables the setting of a public hearing during which the Board may consider enacting the proposed Ordinance.

#### **Is this Action Goal Related**

Yes

#### **Previous Action Taken**

#### **Summary Explanation/Background**

This item supports the Board Value, "Offering sustainable, compatible, innovative housing options for all income-levels, including integrated, permanent supportive housing."

Broward County has thousands of residential communities governed by condominium, cooperative,

and homeowners' associations ("Community Associations"), the number of which is expected to continue increasing as new developments are constructed in the County. These Community Associations are governed under Chapters 718, 719, and 720 of the Florida Statutes.

While Florida law requires the sellers of individual properties within Community Associations to make certain limited disclosures, there is other important information that individuals considering whether to purchase or rent within a community may not generally receive. Some of this important information may include reports regarding the structural condition of condominium and cooperative buildings and of common elements in all Community Associations as well as contact information regarding the management and officers of the Community Associations that individuals may wish to contact to obtain additional information.

To increase transparency and awareness of important information regarding Community Associations and the developments they are responsible for governing, it would benefit the residents of Broward County for the County to create an online, searchable database of all Community Associations ("Association Database") and require Community Associations to file information and certain documents in the Association Database.

A similar ordinance has been enacted in Miami-Dade County, establishing a searchable database and requiring Community Associations to provide, among other information, the name and contact information of the Community Associations' managers and their officers and directors, links to Community Association websites where information regarding the Community Association and their governing documents may be located, and structural reports.

If this item is approved, a public hearing will be scheduled to consider the proposed Ordinance to establish the Community Association online portal and to require Community Associations to commence providing the required information and documentation by January 1, 2023. If the proposed Ordinance is enacted by the Board, prior to its effective date, County staff will engage in an educational campaign to inform Community Associations regarding their compliance obligations.

The proposed Ordinance will apply countywide and may be enforced by code enforcement officers, including municipal code enforcement officers, and any law enforcement agency having jurisdiction of the area within which the residential rental unit is located pursuant to Section 125.69 and Chapter 162, Florida Statutes, or pursuant to any applicable municipal code enforcement provision.

#### **Source of Additional Information**

Nathaniel A. Klitsberg, Senior Assistant County Attorney, 954-357-7600

#### **Fiscal Impact**

#### **Fiscal Impact/Cost Summary**

The Fiscal Impact Statement by the Office of Management and Budget will be provided at the time of the public hearing, in compliance with Section 18.5(e)(7) of the Broward County Administrative Code.