



Broward County

Legislation Text

File #: 22-1000, Version: 1

Broward County Commission Regular Meeting

Director's Name: Andrew J. Meyers

Department: County Attorney

Information

Requested Action

MOTION TO ENACT 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

A Resolution directing the County Administrator to publish notice of public hearing to consider enactment of the Ordinance was adopted by the Board of County Commissioners at its meeting of May 24, 2022.

What Action Accomplishes

Allows for the Board's consideration of 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, the proposed Ordinance will be enacted by the Board, and 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 unit is located pursuant to Section 125.69 and Chapter 162, Florida Statutes, or pursuant to any applicable municipal code enforcement provision.

At the Board's May 24, 2022, meeting, the Board approved an amendment to the proposed Ordinance submitted by Senator Geller, adding disclaimer language to Section 5-224 (Page 5, lines 15-20 of Exhibit 1). In addition, attached as Exhibit 2 is an amendment previously distributed as additional material by County Administration (Additional Material Item #18(2) to the May 24, 2022, Board meeting).

To analyze and permit amendments to be drafted over the Board's summer recess to address recently enacted legislation, it is anticipated that the public hearing on this item will be opened and continued.

Source of Additional Information

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

Fiscal Impact

Fiscal Impact/Cost Summary

Fiscal Impact Statement by the Office of Management and Budget is attached as Exhibit 3.