



400 South Federal Hwy
Hallandale Beach, FL 33009

City of Hallandale Beach City Commission Agenda Cover Memo

Meeting Date:	September 21, 2016		Item Type: (Enter X in box)	Resolution X	Ordinance	Other	
Fiscal Impact: (Enter X in box)	Yes	No	Ordinance Reading: (Enter X in box)	1st Reading		2nd Reading	
	X		Public Hearing: (Enter X in box)	Yes	No	Yes	No
Funding Source:	N.A.		Advertising Requirement: (Enter X in box)	Yes		No	
						X	
Account Balance:			Quasi Judicial: (Enter X in box)	Yes		No	
						X	
Project Number :			RFP/RFQ/Bid Number:				
Contract/P.O. Required: (Enter X in box)	Yes	No	Strategic Plan Priority Area: (Enter X in box) Safety <input checked="" type="checkbox"/> Quality <input checked="" type="checkbox"/> Vibrant Appeal <input checked="" type="checkbox"/>				
Sponsor Name:			Department: Development Services		Keven R. Klopp, Director		

Short Title:

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF HALLANDALE BEACH, FLORIDA ESTABLISHING AND ADOPTING AN AMNESTY PROGRAM TOOL FOR PROPERTY OWNERS WHO PERFORMED WORK WITHOUT PERMITS TO FACILITATE BRINGING PROPERTY INTO COMPLIANCE; AND PROVIDING FOR AN EFFECTIVE DATE.

Staff Summary:

Background:

On March 14, 2016 the City Commission discussed a proposed pilot project for a **Non-compliant and Unpermitted Conversion Amnesty Program** (NUCAP) Initiative. This initiative furthers all three of the City's Strategic Priorities: Safety, Quality, and Vibrant Appeal. The primary reason for ensuring that all housing units are compliant with the Florida Building Code is safety – safety for the unit's current residents and future residents, as well as safety for neighbors and surrounding properties. The pilot project furthers ensures quality in two ways, a quality housing stock and a quality governance: First, it sustains a quality housing stock by ensuring that substandard housing is not perpetuated. Second, it shows that the City is taking proactive and creative measures to do so in a comprehensive manner while acknowledging the difficulties and uniqueness of each situation. The goal of the pilot program is to identify and test various approaches to would ease the planning, zoning, building permit, inspection, and/or enforcement processes necessary to achieve compliance. The Commission unanimously supported the concept at the workshop, and Staff is now prepared to present for Commission consideration some specific steps to begin implementing the program.

Historically, property owners have subdivided their dwellings without acquiring the proper permits. Years later, especially after the property has been sold, new ownership must assume the responsibility of legalizing illegally converted residential units. Work performed without permits goes unchecked for compliance with the appropriate codes, which neglects to preserve occupant safety. Compounded by additional impacts to the surrounding neighborhood and an increased concern for the safety, welfare and health of our community the Department proposes an Amnesty Program Tool companion to the NUCAP Initiative. The limited Amnesty Program Tool seeks to facilitate property owners with illegal conversions and create an opportunity to bring their properties into compliance.

Current Situation

The current process of enforcement is reacting to citizen complaints or staff discovery. Many deficient properties remain undiscovered. Code Compliance staff must create a special magistrate case for each property identified, which makes the overall process slow, costly and burdensome on both the Department and property owner.

The amnesty program is designed to help mitigate illegal conversions by making available certain tools developed by the NUCAP Initiative. As an encouragement to coming into compliance, the City will provide amnesty from penalties and fines associated with the permitting process to help alleviate compliance costs.

The Development Services Department is proposing adopting this program tool as part of the NUCAP initiative to give property owners a window of opportunity to mitigate the cost of penalties and fines usually associated with the building permit process. The tool includes relief as outlined below:

1. Forego the double permit fee and fine for applicants bringing converted residential units compliance.
2. Stop Code Enforcement running fines at time of application.
3. Refrain from further processing the Code Enforcement case at time of application.
4. If no Code Enforcement case has been initiated, establishing a case will be deferred during the NUCAP pilot program.

Conditions:

1. Effective period of time: effective for the duration of the NUCAP Pilot program initiative, which is however long it takes to resolve more than 50% of the 23 pilot program cases or two years, whichever is sooner.
2. Resolution only applies to converted residential dwelling units that are being brought into compliance.
3. Amnesty Program Tools are available to all properties in the City even though there are a limited number of properties within the NUCAP pilot program initiative.
4. Comply with the latest edition of the Florida Building Code. There are no grandfathering provisions as there is no statute of limitations on work performed without permits, but the original existing structure can use the provisions of the Existing Building Code when considering the new work
5. Produce professional as-built plans and certification for all structural components.

Fiscal Impact

A memorandum of understanding with the Hallandale Beach Community Redevelopment Agency (CRA) will result in funding of \$62,100 for the program implementation in FY 2017. These funds will be used to engage professionals (e.g. a planner, an architect, a real estate economist, an attorney, an engineer) to review 23 existing cases and identify specific methods and tools that will help them obtain compliance.

This specific agenda item will exempt after-the-fact permit fees, in certain scenarios, from being doubled as a mandatory penalty. While potentially reducing the permit revenues due from an individual property, as a whole the intent is to entice properties that would otherwise not be pursuing permits. Therefore, the fiscal impact exempting the properties from double fees is predicted to be neutral.

Why Action is Necessary

Commission approval is needed to waive the double permit fees for certain properties that fall within the NUCAP program.

Proposed Action:

Staff recommends the City Commission approve the attached resolution establishing and adopting an Amnesty Program Tool as part of the NUCAP initiative **for residential property owners who performed work without permits to facilitate bringing the property into compliance.**

Attachment(s):

Exhibit 1 - Resolution