

# MIAMI BEACH

OFFICE OF THE CITY CLERK

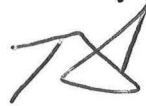
No.

347-2021

LETTER TO COMMISSION

TO: Mayor Dan Gelber and Members of the City Commission

FROM: Rafael E. Granado, City Clerk



DATE: August 19, 2021

SUBJECT: **CITY OF HALLANDALE ORDINANCES NO. 2020-013, 2021-005, AND 2021-012**

Attached for your information are Ordinances No. 2020-013, 2021-005, and 2021-012 adopted by the Mayor and City Commission of City of Hallandale on June 3, 2020, April 7, 2021, and August 18, 2021.

**ORDINANCE NO. 2020-013**

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF HALLANDALE BEACH, FLORIDA, THE "CONDOMINIUM TRANSPARENCY AND ACCOUNTABILITY ACT," ESTABLISHING REGISTRATION REQUIREMENTS FOR CONDOMINIUM, MULTI-FAMILY HOMEOWNERS AND COOPERATIVE ASSOCIATIONS WITHIN THE CITY; CREATING REGISTRATION DATABASE TO BE AVAILABLE TO THE PUBLIC; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; PROVIDING FOR AN EFFECTIVE DATE.

**ORDINANCE NO. 2021-005**

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF HALLANDALE BEACH, FLORIDA, AMENDING THE "CONDOMINIUM TRANSPARENCY AND ACCOUNTABILITY ACT," TO MODIFY REGISTRATION REQUIREMENTS FOR CONDOMINIUM, MULTI-FAMILY HOMEOWNERS AND COOPERATIVE ASSOCIATIONS WITHIN THE CITY; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; PROVIDING FOR AN EFFECTIVE DATE.

**ORDINANCE NO. 2021-012**

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF HALLANDALE BEACH, FLORIDA, AMENDING THE "CONDOMINIUM TRANSPARENCY AND ACCOUNTABILITY ACT," TO MODIFY REGISTRATION REQUIREMENTS FOR CONDOMINIUM, MULTI-FAMILY HOMEOWNERS AND COOPERATIVE ASSOCIATIONS WITHIN THE CITY; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; PROVIDING FOR AN EFFECTIVE DATE.

The City of Hallandale Clerk has requested that a copy of these Ordinances be provided to the Miami Beach Mayor, Commissioners, and the City Manager.

If you have any questions, please contact the Office of the City Clerk at 305.673.7411.

REG/lc

Attachment



**Jenorgen M. Guillen**  
City Clerk

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JOY F. COOPER  
Mayor

MICHAEL "MIKE" BUTLER  
Vice Mayor

SABRINA JAVELLANA  
Commissioner

MICHELE LAZAROW  
Commissioner

ANABELLE LIMA-TAUB  
Commissioner

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400 S. Federal Highway  
Hallandale Beach, FL 33009  
Ph (954) 457-1340  
Fax (954) 457-1454

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[www.coHB.org](http://www.coHB.org)

August 18, 2021


Honorable Mayor:

On behalf of the City Commission, please find attached the following:  
**Ordinance 2020-13, Ordinance 2021-05 and Ordinance 2021-012**  
whereby the City of Hallandale Beach City Commission  
adopted/updated the 'Condominium Transparency and Accountability  
Act.'

The City Commission hereby respectfully requests your support with  
the subject matter.

Should you have any questions, please feel free to contact me at  
(954) 457-1469 or at [jguillen@cohb.org](mailto:jguillen@cohb.org).

Sincerely,



Jenorgen M. Guillen  
City Clerk

JG/sj

Attachments as noted

ORDINANCE NO. 2020 - 013

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF HALLANDALE BEACH, FLORIDA, THE "CONDOMINIUM TRANSPARENCY AND ACCOUNTABILITY ACT," ESTABLISHING REGISTRATION REQUIREMENTS FOR CODOMINIUM, MULTI-FAMILY HOMEOWNERS AND COOPERATIVE ASSOCIATIONS WITHIN THE CITY; CREATING REGISTRATION DATABASE TO BE AVAILABLE TO THE PUBLIC; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; PROVIDING FOR AN EFFECTIVE DATE.

**WHEREAS**, the City of Hallandale Beach is home to over four hundred condominium, cooperative and multi-family homeowner associations; and

**WHEREAS**, the City receives frequent and documented complaints relating from residents of these associations; and

**WHEREAS**, the City administration has historically spent considerable time determining the extent to which potential code violation complaints are in fact governed by private homeowner and condominium regulations or are, alternatively, enforceable violations of City Code; and

**WHEREAS**, unscrupulous or absentee property management agents of condominium, homeowner, and cooperative apartment associations create additional burdens on taxpayer resources as residents seek assistance on private contractual matters and have nowhere else to turn; and

**WHEREAS**, the City believes it is in the best interest of the business and residential property owners, residents and tenants of the City to create a registration system requiring Associations within the City to register with Code Enforcement so there is an easily accessible database of Community Associations doing business in the City; and

**WHEREAS**, the City believes it is in the best interest of the residents to maintain a census database of all condominium, cooperative apartment, and homeowner associations within the City to facilitate communication and transparency; and

33           **WHEREAS**, it is the hope of the City that such a registration will reduce the burden on  
34 taxpayer resources of consistent complaints and of the staff time required to research those  
35 complaints and will assist residents in obtaining information they otherwise find it difficult to  
36 obtain; and

37           **WHEREAS**, the City Commission deems that it is in the best interest of the residents of  
38 the City of Hallandale Beach to enact the amendments herein.

39           **NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND THE CITY**  
40 **COMMISSION OF THE CITY OF HALLANDALE BEACH, FLORIDA:**  
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42           **SECTION 1.** The foregoing "Whereas" clauses are hereby incorporated herein.  
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44           **SECTION 2** Chapter 9, "Code Compliance," Sections 9-10, et al are hereby created  
45 to read as follows:

46  
47           **Sec. 9-10. - Associations required to register.**

48           (a) All condominium associations, multi-family homeowner and cooperative apartment  
49 associations operating property located within the City shall be required to file with the code  
50 compliance unit a registration on a form provided for same. This section does not apply to  
51 homeowner associations consisting exclusively of single-family homes. The application  
52 shall require the following:

- 53                   1. Name of the association
- 54                   2. Business address and the legal description of properties governed by the  
55 association
- 56                   3. Name and contact information for the property manager or designated contact  
57 person for the association
- 58                   4. Name and contact information for an emergency contact for the association  
59 (cannot be the same individual identified in item 3)
- 60                   5. A list of all officers and directors of the association with contact information
- 61                   6. Website of the association, if any
- 62                   7. An impression of the corporate seal of the association
- 63                   8. A legible copy of the By-Laws
- 64                   9. A list of planned capital projects, if any, from the date of application through  
65 October 1 of the following year
- 66                   10. A copy of the most recent financial audit
- 67                   11. Specify the location where all building permits for work in common areas shall  
68 be posted during construction

69 (b) On or before October 1 of each year following the year of its initial registration with the  
70 city, every condominium or cooperative apartment association operating within the city shall  
71 file with the City an updated list of its officers and directors and any changes in the  
72 information required in subsection (a) of this section, a copy of its most current by-laws and  
73 a copy of its most recent annual budget.

74 (c) An initial annual application filing fee of \$150.00 shall be required and may be amended  
75 annually pursuant to adoption of the city's fee booklet.

76 (d) *Enforcement.* An association that fails to file the required registration will first be issued  
77 a warning providing 30 days to file the registration. If the registration is not filed within 30  
78 days, the association will be subject to fine of \$150, which shall be collected in addition to  
79 the required registration fee. If the registration is not filed within 60 days of the initial  
80 warning, the fine shall increase to \$500.

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82 **Sec. 9-11 - Publicly Accessible Database of Association Registrations**

83 (a) The City shall maintain a database containing the application and attachments of each  
84 Association registered with the City pursuant to Sec. 9-10.

85 (b) The database shall be made available to members of the public upon request.

86 (c) The City will post the registration requirements of Sec. 9-10 on the City's website along  
87 with a notice to the public that the database is available upon request and the contact  
88 information for requesting access to the database.

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90 **SECTION 3. SEVERABILITY**

91 If any portion of this Ordinance is determined by any Court to be invalid, the invalid portion  
92 shall be stricken, and such striking shall not affect the validity of the remainder of this  
93 Ordinance.

94 **SECTION 4. INCLUSION IN CODE**

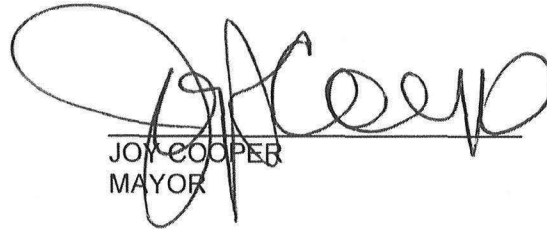
95 It is the intention of the City Commission that the provisions of this Ordinance shall become  
96 and be made a part of the City of Hallandale Beach Code; and that the sections of this  
97 Ordinance may be renumbered or relettered and the word "Ordinance" may be changed to  
98 "section," "article," or such appropriate word or phrase in order to accomplish such intentions.

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100 **SECTION 5. Effective Date.** This Ordinance shall take effect October 1, 2020.

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104 PASSED AND ADOPTED ON 1<sup>ST</sup> reading on May 20, 2020


105 PASSED AND ADOPTED ON 2<sup>ND</sup> reading on June 3, 2020.

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JOY COOPER  
MAYOR

113 SPONSORED BY: COMMISSIONER ANABELLE LIMA-TAUB

ATTEST:

  
JENORGEN M. GUILLEN, CMC  
CITY CLERK

APPROVED AS TO LEGAL SUFFICIENCY  
AND FORM

  
JENNIFER MERINO  
CITY ATTORNEY

**FIRST READING VOTE ON ADOPTION**

Mayor Cooper	<u>YES</u>
Vice Mayor Javellana	<u>YES</u>
Commissioner Butler	<u>YES</u>
Commissioner Lazarow	<u>YES</u>
Commissioner Lima-Taub	<u>YES</u>

**FINAL VOTE ON ADOPTION**

Mayor Cooper	<u>YES</u>
Vice Mayor Javellana	<u>YES</u>
Commissioner Butler	<u>YES</u>
Commissioner Lazarow	<u>YES</u>
Commissioner Lima-Taub	<u>YES</u>

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**ORDINANCE NO. 2021 - 005**

**AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF  
THE CITY OF HALLANDALE BEACH, FLORIDA, AMENDING  
THE "CONDOMINIUM TRANSPARENCY AND  
ACCOUNTABILITY ACT," TO MODIFY REGISTRATION  
REQUIREMENTS FOR CONDOMINIUM, MULTI-FAMILY  
HOMEOWNERS AND COOPERATIVE ASSOCIATIONS  
WITHIN THE CITY; PROVIDING FOR CONFLICTS;  
PROVIDING FOR SEVERABILITY; PROVIDING FOR  
CODIFICATION; PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the City of Hallandale Beach is home to over four hundred  
condominium, cooperative and multi-family homeowner associations; and

**WHEREAS**, on June 3, 2020 the City passed the "Condominium Transparency and  
Accountability Act"; and

**WHEREAS**, the City desires to amend the registration requirements of the act to better  
achieve the purpose of the original ordinance; and

**WHEREAS**, the City desires to amend the date of registration to accommodate typical  
election and budget cycles of many associations. It is the intent that of the City that those  
associations that registered in 2020 would have until January 30, 2022 to submit their next  
yearly registration; and

**WHEREAS**, the City Commission deems that it is in the best interest of the residents of  
the City of Hallandale Beach to enact the amendments herein.

**NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND THE CITY  
COMMISSION OF THE CITY OF HALLANDALE BEACH, FLORIDA:**

**SECTION 1.** The foregoing "Whereas" clauses are hereby incorporated herein.

**SECTION 2** Chapter 9, "Code Compliance," Sections 9-9 is hereby created as  
follows:

32           **Section 9-9- Short Title**

33           Sections 9-9 through 9-11 shall hereafter be known as the "Condominium and  
34           Homeowner Association Transparency and Accountability Act."

35           **SECTION 3** Chapter 9, "Code Compliance," Sections 9-10, et al are hereby  
36           amended as follows (underline indicates additions, ~~strike through~~ indicates deletion):

37           **Sec. 9-10. - Associations required to register.**

38           (a) All condominium associations, multi-family homeowner and cooperative apartment  
39           associations operating property located within the City shall be required to file with the code  
40           compliance unit a registration on a form provided for same. This section does not apply to  
41           homeowner associations consisting exclusively of single-family homes. The application  
42           shall require the following:

- 43                   1. Name of the association
- 44                   2. Business address and the legal description of properties governed by the  
45                   association
- 46                   3. Name and contact information for the property manager or designated contact  
47                   person for the association
- 48                   4. A list of all officers and directors of the association with contact information
- 49                   5. Website of the association, if any
- 50                   6. An impression of the corporate seal of the association, if any
- 51                   7. A legible copy of the By-Laws and the rules and regulations of the association
- 52                   8, A list of planned capital projects, if any, from the date of application through  
53                   ~~October 1~~ January 1 of the following year
- 54                   9. ~~A copy of the most recent financial audit~~ A copy of the adopted annual budget
- 55                   10. A copy of the recorded declaration of condominium and any amendments
- 56                   ~~10~~11. Specify the location where all building permits for work in common areas  
57                   shall be posted during construction
- 58                   12. A listing of pending litigation, if any
- 59                   13. Contact information for insurance agent, if any

60           (b) On or before ~~October 1~~ January 30<sup>th</sup> of each year following the year of its initial  
61           registration with the city, every condominium or cooperative apartment association  
62           operating within the city shall file with the City an updated list of its officers and directors  
63           and any changes in the information required in subsection (a) of this section, a copy of its  
64           most current by-laws and a copy of its most recent annual budget.

65           (c) An annual application filing fee of \$150.00 shall be required.

66           (d) *Enforcement.* An association that fails to file the required registration will first be issued  
67           a warning providing 30 days to file the registration. If the registration is not filed within 30  
68           days, the association will be subject to fine of \$150, which shall be collected in addition to  
69           the required registration fee. If the registration is not filed within 60 days of the initial  
70           warning, the fine shall increase to \$500.



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72 **SECTION 3. SEVERABILITY**

73 If any portion of this Ordinance is determined by any Court to be invalid, the invalid portion  
74 shall be stricken, and such striking shall not affect the validity of the remainder of this  
75 Ordinance.

76 **SECTION 4. INCLUSION IN CODE**

77 It is the intention of the City Commission that the provisions of this Ordinance shall become  
78 and be made a part of the City of Hallandale Beach Code; and that the sections of this  
79 Ordinance may be renumbered or relettered and the word "Ordinance" may be changed to  
80 "section," "article," or such appropriate word or phrase in order to accomplish such intentions.

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82 **SECTION 5. Effective Date.** This Ordinance shall take effect upon adoption.

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86 PASSED AND ADOPTED ON 1<sup>ST</sup> reading on March 17, 2021

87 PASSED AND ADOPTED ON 2<sup>ND</sup> reading on April 7, 2021.

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JOY F. COOPER  
MAYOR

SPONSORED BY: COMMISSIONER ANABELLE LIMA-TAUB  
AND MAYOR JOY F. COOPER

ATTEST

  
JENORGER M. GUILLEN, CMC  
CITY CLERK

APPROVED AS TO LEGAL SUFFICIENCY  
AND FORM

  
JENNIFER MERINO  
CITY ATTORNEY

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**FIRST READING VOTE ON ADOPTION**

Mayor Cooper	<u>YES</u>
Vice Mayor Butler	<u>YES</u>
Commissioner Javellana	<u>YES</u>
Commissioner Lazarow	<u>YES</u>
Commissioner Lima-Taub	<u>YES</u>

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**FINAL VOTE ON ADOPTION**

Mayor Cooper	<u>YES</u>
Vice Mayor Butler	<u>ABSENT</u>
Commissioner Javellana	<u>YES</u>
Commissioner Lazarow	<u>YES</u>
Commissioner Lima-Taub	<u>YES</u>

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ORDINANCE NO. 2021 - 012

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF HALLANDALE BEACH, FLORIDA, AMENDING THE "CONDOMINIUM TRANSPARENCY AND ACCOUNTABILITY ACT," TO MODIFY REGISTRATION REQUIREMENTS FOR CONDOMINIUM, MULTI-FAMILY HOMEOWNERS AND COOPERATIVE ASSOCIATIONS WITHIN THE CITY; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; PROVIDING FOR AN EFFECTIVE DATE.

**WHEREAS**, the City of Hallandale Beach is home to over four hundred condominium, cooperative and multi-family homeowner associations; and

**WHEREAS**, the 40 year and older Building Safety Inspection Program was created by the Broward Board of Rules and Appeals (BORA) in 2005. Modeled after Miami-Dade County's program, which was established in the mid- 1970s, Broward's program calls for structural and electrical safety inspections for buildings 40 years old or older and every ten years thereafter; and

**WHEREAS**, the terrible collapse of Champlain Tower South, resulting in 98 deaths, has made evident the danger to the public's health, safety and welfare when a condominium incurs building failure; and

**WHEREAS**, on June 3, 2020 the City passed the "Condominium Transparency and Accountability Act"; and

**WHEREAS**, the City desires to amend the registration requirements of the act to better achieve the purpose of the original ordinance and address the clear safety dangers posed by potential building failure by increasing public transparency of compliance with existing legal requirements; and

**WHEREAS**, the City Commission deems that it is in the best interest of the residents of the City of Hallandale Beach to enact the amendments herein.

31 NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND THE CITY  
32 COMMISSION OF THE CITY OF HALLANDALE BEACH, FLORIDA:  
33

34 **SECTION 1.** The foregoing "Whereas" clauses are hereby incorporated herein.  
35

36 **SECTION 2** Chapter 9, "Code Compliance," Section 9-10 is hereby amended as  
37 follows (underline indicates additions, ~~strike through~~ indicates deletion):

38 **Sec. 9-10. - Associations required to register.**

39 (a) All condominium associations, multi-family homeowner and cooperative apartment  
40 associations operating property located within the City shall be required to file with the code  
41 compliance unit a registration on a form provided for same. This section does not apply to  
42 homeowner associations consisting exclusively of single-family homes. The application  
43 shall require the following:

- 44 1. Name of the association
- 45 2. Business address and the legal description of properties governed by the  
46 association
- 47 3. Name and contact information for the property manager or designated contact  
48 person for the association
- 49 4. A list of all officers and directors of the association with contact information
- 50 5. Website of the association, if any
- 51 6. An impression of the corporate seal of the association, if any
- 52 7. A legible copy of the By-Laws and the rules and regulations of the association
- 53 8. A list of planned capital projects, if any, from the date of application through  
54 January 1 of the following year
- 55 9. A copy of the adopted annual budget
- 56 10. A copy of the recorded declaration of condominium and any amendments
- 57 11. Specify the location where all building permits for work in common areas shall  
58 be posted during construction
- 59 12. A listing of pending litigation, if any
- 60 13. Contact information for insurance agent, if any
- 61 14. The date of original building certification.
- 62 15. The status of recertification. Association will indicate either (1) Recertification  
63 not yet required, (2) Recertification is in process (due within one year but not yet  
64 past due) or (3) Recertification Past Due.
- 65 16. A copy of any report of a professional engineer or architect concerning the  
66 structural, electrical or life safety conditions of a building within the control of the  
67 Association issued within the previous year.

(b) On or before January 30<sup>th</sup> of each year following the year of its initial registration with the city, every condominium or cooperative apartment association operating within the city shall file with the City an updated list of its officers and directors and any changes in the information required in subsection (a) of this section, a copy of its most current by-laws and a copy of its most recent annual budget.

(c) An annual application filing fee of \$150.00 shall be required.

(d) *Enforcement.* An association that fails to file the required registration will first be issued a warning providing 30 days to file the registration. If the registration is not filed within 30 days, the association will be subject to fine of \$150, which shall be collected in addition to the required registration fee. If the registration is not filed within 60 days of the initial warning, the fine shall increase to \$500.

### **SECTION 3. SEVERABILITY**

If any portion of this Ordinance is determined by any Court to be invalid, the invalid portion shall be stricken, and such striking shall not affect the validity of the remainder of this Ordinance.

### **SECTION 4. INCLUSION IN CODE**

It is the intention of the City Commission that the provisions of this Ordinance shall become and be made a part of the City of Hallandale Beach Code; and that the sections of this Ordinance may be renumbered or relettered and the word "Ordinance" may be changed to "section," "article," or such appropriate word or phrase in order to accomplish such intentions.

**SECTION 5. Effective Date.** This Ordinance shall take effect upon adoption.

PASSED AND ADOPTED ON 1<sup>ST</sup> reading on August 4, 2021

PASSED AND ADOPTED ON 2<sup>ND</sup> reading on August 18, 2021.

  
JOYCE COOPER  
MAYOR

SPONSORED BY: COMMISSIONER ANABELLE LIMA-TAUB

ATTEST:

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JENORGEN M. GUILLEN, CMC  
CITY CLERK

APPROVED AS TO LEGAL SUFFICIENCY  
AND FORM



JENNIFER MERINO  
CITY ATTORNEY

**FIRST READING VOTE ON ADOPTION**

Mayor Cooper	<u>YES</u>
Vice Mayor Butler	<u>YES</u>
Commissioner Javellana	<u>YES</u>
Commissioner Lazarow	<u>YES</u>
Commissioner Lima-Taub	<u>YES</u>

**FINAL VOTE ON ADOPTION**

Mayor Cooper	<u>yes</u>
Vice Mayor Butler	<u>yes</u>
Commissioner Javellana	<u>yes</u>
Commissioner Lazarow	<u>yes</u>
Commissioner Lima-Taub	<u>yes</u>

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