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**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.**

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

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

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

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

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

30       **WHEREAS**, the City believes it is in the best interest of the residents to maintain a  
31 census database of all condominium, cooperative apartment, and homeowner associations  
32 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:

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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:  


JENORGER 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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