

RESOLUTION NO. 2010-112-1294

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA ADOPTING A "HOMEOWNER'S BILL OF RIGHTS" ATTACHED HERETO AS EXHIBIT "A"; PROVIDING DIRECTIONS TO THE CITY MANAGER; PROVIDING FOR THE ADOPTION OF REPRESENTATIONS; PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City has received numerous complaints from residents regarding contractors who charge exorbitant fees and are slow to complete construction projects, and

WHEREAS, such complaints are often made after the homeowner has spent thousands of dollars for simple home improvements, and

WHEREAS, homeowners are often misled about the true costs associated with obtaining building permits, and

WHEREAS, Councilman Gilbert would like to create a "Homeowner's Bill of Rights" to ensure that homeowners are aware of their rights and responsibilities when hiring contractors and design professionals, and

WHEREAS, the Homeowner's Bill of Rights will require contractors and design professionals to keep residents informed of the building permitting process, and

WHEREAS, Councilman Gilbert also proposes an incentive program for contractors and design professionals when construction documents are approved with no more than two (2) rejections over the course of three (3) or more submittals to the City's Building Services Division, and

WHEREAS, the incentive program will encourage contractors and design professionals to produce satisfactory plans from the onset of the construction plan processing phase, and

WHEREAS, under the incentive program, contractors and design professionals will receive concierge services from the Building Services Division to include an assigned point of contact and individualized routing of plan review at no additional cost, and

WHEREAS, Councilman Gilbert also recommends that the City provide access to a list of contractors and design professionals who have been disciplined by the Florida Department of Business and Professional Regulation and Miami-Dade County Construction Trades Qualifying Board to empower residents with the tools needed to make educated business decisions,

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA AS FOLLOWS:

Section 1: ADOPTION OF REPRESENTATIONS: The foregoing Whereas paragraphs are hereby ratified and confirmed as being true, and the same are hereby made a specific part of this Resolution.

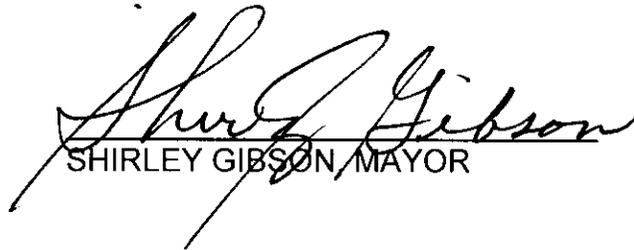
Section 2: AUTHORIZATION: The City Council of the City of Miami Gardens hereby adopts the Homeowner's Bill of Rights attached hereto as Exhibit "A". The City Council of the City of Miami Gardens hereby directs the City Manager, or his or her designee, to do the following:

- a) Offer concierge services through the Building Services Division, to include an assigned contact person and individualized routing of plan reviews, at no additional cost to contractors and design professionals when construction documents are approved with no more than two (2) rejections over the course of three (3) or more submittals to the City's Building Services Division;
- b) Offer additional incentives as deemed necessary;

- c) Enforce Section 10-21 of the Miami-Dade County Code of Ordinances regulating contractors, and report violations to the Miami-Dade County Construction Trades Qualifying Board and the Florida Department of Professional and Business Regulation; and
- d) Provide access to the list of contractors disciplined by the Florida Department of Professional and Business Regulation and the Miami-Dade County Construction Qualifying Board.

Section 3: EFFECTIVE DATE: This Resolution shall take effect immediately upon its final passage.

PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS AT ITS REGULAR MEETING HELD ON JUNE 9, 2010.


SHIRLEY GIBSON, MAYOR

ATTEST:


RONETTA TAYLOR, MMC, CITY CLERK

PREPARED BY: SONJA K. DICKENS, ESQ., CITY ATTORNEY

SPONSORED BY: COUNCILMAN OLIVER GILBERT III

Resolution No. 2010-112-1294

Moved by: Councilman Gilbert
Second by: Vice Mayor Campbell

VOTE: 6-0

Mayor Shirley Gibson	<u> X </u> (Yes)	<u> </u> (No)
Vice Mayor Aaron Campbell	<u> X </u> (Yes)	<u> </u> (No)
Councilman Melvin L. Bratton	<u> </u> (Yes)	<u> </u> (No)(not present)
Councilman Oliver Gilbert III	<u> X </u> (Yes)	<u> </u> (No)
Councilman Andre' Williams	<u> X </u> (Yes)	<u> </u> (No)
Councilwoman Sharon Pritchett	<u> X </u> (Yes)	<u> </u> (No)
Councilwoman Barbara Watson	<u> X </u> (Yes)	<u> </u> (No)



City of Miami Gardens Agenda Cover Memo

Council Meeting Date: <i>(Enter X in box)</i>	June 9, 2010		Item Type:	Resolution	Ordinance	Other	
			<i>(Enter X in box)</i>	X			
Fiscal Impact: <i>(Enter X in box)</i>	Yes	No	Ordinance Reading: <i>(Enter X in box)</i>		1st Reading		2nd Reading
		X	Public Hearing: <i>(Enter X in box)</i>		Yes	No	Yes
Funding Source:	N/A		Advertising Requirement: <i>(Enter X in box)</i>		Yes		No
							X
Contract/P.O. Required: <i>(Enter X in box)</i>	Yes	No	RFP/RFQ/Bid #:		N/A		
		X					
Sponsor Name	Councilman Oliver Gilbert III		Department:		Mayor and City Council		

Short Title:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA ADOPTING A "HOMEOWNERS BILL OF RIGHTS" AS ATTACHED HERETO AS EXHIBIT "A"; PROVIDING DIRECTIONS TO THE CITY MANAGER; PROVIDING FOR THE ADOPTION OF REPRESENTATIONS; PROVIDING AN EFFECTIVE DATE.

Summary:

Councilman Gilbert is recommending that the City adopt a "Homeowners Bill of Rights." According to statistics compiled by the University of Florida, in 2009, the issuance of building permits was down by 55 percent statewide. However, the number of unlicensed contractor complaints rose by 12 percent. These statistics only address the unlicensed contractor issue. However, the City has received numerous complaints regarding licensed contractors and design professionals who perform substandard work. These contractors charge exorbitant fees and are slow to complete simple home improvement projects.

Given the current economic climate, homeowners cannot afford to incur additional and unnecessary construction costs. The Homeowners Bill of Rights will educate residents of their rights when hiring contractors and design professionals. The Homeowners Bill of Rights will also outline the rights of residents when interacting with the City's Building Services Division. The Building Services Division will distribute the Homeowners Bill of Rights to homeowners after the initial submission of an application for a building permit. Additionally, the Bill of Rights will be prominently displayed in the lobby of the Building Services Division, on the City's website and published in *The Community Newspapers*.

**ITEM J-8) CONSENT AGENDA
RESOLUTION
Homeowners Bill of Rights**

Councilman Gilbert also proposes an incentive program for contractors and design professionals who submit exemplary construction documents. Design professionals will be awarded a \$50.00 rebate on permit fees if plans are approved, during the plan processing phase, with no more than two (2) rejections over the course of three (3) or more submittals to the City's Building Services Division. In addition, the design professionals will receive concierge service from the Building Services Division, which will include an assigned point of contact and individualized routing of plan review, at no additional cost. Currently, a fee of \$102.32 is assessed when plans are resubmitted to the Building Services Division for a third review. If plans remain unsatisfactory and require a fourth review, the Building Services Division assesses a fee four times the original amount. The rebate program will encourage contractors and design professionals to produce satisfactory plans from the onset of the construction plan processing phase.

Section 10-21 of the Miami-Dade County Code of Ordinances authorizes municipalities, by way of Resolution, to enforce the County's code regulating contractors. However, the City is preempted from disciplining violators. Therefore, Councilman Gilbert recommends that the City Council direct the City Manager, or his designee, to report violators to the Miami-Dade County Construction Trades Qualifying Board (DCC) and the Florida Department of Business and Professional Regulation (DBPR) for discipline. DCC and DBPR currently maintain lists of unlicensed and disciplined contractors and design professionals. The City's Building Services Division will provide access to this list to empower residents with the tools needed to make educated business decisions.

Proposed Action:

Councilman Oliver Gilbert recommends that the City Council approve this Resolution.

Attachment:

Attachment A : Homeowners Bill of Rights

HOMEOWNERS BILL OF RIGHTS

Homeowners shall be entitled to the following rights when interacting with the City of Miami Gardens Building Services Division:

1. The right to be notified by the City of Miami Gardens Building Services Division if an application is incomplete and requires additional information.
2. The right to be notified by the City of Miami Gardens Building Services Division immediately after the second denial of a plan and prior to the commencement of a third plan review.
3. The right to contact the City of Miami Gardens Building Services Division with questions or concerns regarding plan review or inspections.
4. The right to an expeditious and courteous response from the City of Miami Gardens Building Services Division.
5. The right to be notified by the City of Miami Gardens Building Services Division, once the Department is made aware of the discipline of a contractor or other design professional by the State of Florida, Miami-Dade County or any other regulatory board, if the professional is attempting to pull a permit on behalf of the homeowner.
6. The right to request that the City of Miami Gardens Building Services Division report contractor violations to the Florida Department of Professional Regulations and/or the Miami-Dade Qualifying Trades Board or any other State or local regulatory agency.
7. The right to have residential permits issued within thirty (30) days of permit application submission, unless the plans fail to comply with the Florida Building Code or other law enacted by the State of Florida, Miami-Dade County or the City of Miami Gardens.

Homeowners shall be entitled to the following rights when interacting with construction contractors and other design professionals, in accordance with Florida law:

8. The right to review and inspect all construction documents and permit cards.
9. The right to verify required licenses of all contractors, subcontractors and design professionals issued by the State of Florida, Miami-Dade County or any other regulatory agency.

10. The right to verify current general liability, professional liability and worker's compensation insurance for the contractor, sub-contractors and design professionals.
11. The right to be notified by the contractor of the Florida Homeowner's Construction Recovery Fund pursuant to Florida Statute 489.1425.
12. The right to have liens removed from the property within 75 days of payment for construction services or supplies pursuant to Florida Statute 489.129.
13. The right to be notified by the contractor prior to the abandonment of a construction project pursuant to Florida Statute 489.129.
14. The right to be refunded any excess funds within 30 days after the abandonment of a construction job pursuant to Florida Statute 489.129.
15. The right to pay the original contract price for a construction project as outlined in Florida Statute 489.129.
16. The right to approve any material changes to plans or specifications, as defined by Florida Building Code and pursuant to Section 10-22 of the Miami-Dade County Code of Ordinances.
17. The right to be provided with a list and current contact information for all subcontractors and materialmen involved in a construction project as outlined in Section 10-22 of the Miami-Dade County Code of Ordinances.