

**Implementation of Ordinance No. 2009-15 Regarding Certificate of Use
Requirement for the Sale of Foreclosed Properties**

FACT SHEET

Q. When was the new Ordinance approved?

A. On October 14th, 2009 the City of Doral Council approved Ordinance No. 2009-15, which requires issuance of a Certificate of Use (CU) by the Department of Planning and Zoning (DP&Z) for residential properties (in the City of Doral) which are acquired through a Certificate of Title (Foreclosures and Judgments) on or thereafter February 1st 2010, in accordance with Chapter 45, Florida Statutes. This new ordinance requires the establishment of a new Certificate of Use process for such properties. This process will require that affected individuals/institutions obtain a CU, prior to the offering of such property either through a sale, transfer or alienation of such property.

Q. What is the purpose of the Certificate of Use (CU) requirement for the sale of foreclosed properties?

A. The new CU requirement is a consumer-protection legislation. The process of the new CU is to document and disclose to the public/buyer, the extent to which residential properties (i.e. single family, condominium, townhouse, or duplex) acquired in this way comply with all applicable building codes and zoning codes.

Q. Who is responsible for obtaining the Certificate of Use (CU) for the sale of foreclosed properties?

A. The holder of a property acquired through a Certificate of Title in accordance with Chapter 45, Florida Statutes (Foreclosures and Judgments) -- i.e. lending institutions and mortgagees. The adopted ordinance requires that title holders of foreclosed properties obtain a Certificate of Use (CU) prior to offering the property for sale, transfer or alienation.

Q. Who would be responsible for making a buyer aware of the recorded report if the seller neglects to make them aware of it?

A. The report is available to the potential buyer and the Certificate of Title holder or their agent, through the Clerk of the Courts. The report should be provided at the time of closing by the mortgage companies, title companies and any other responsible entities.

Q. What properties are affected?

A. Only residential properties acquired through a Certificate of Title in accordance with Chapter 45, Florida Statutes (Foreclosures and Judgments) that are located **within the City of Doral boundaries**— properties with folio numbers beginning with 35-.

Q. Are short sales or Deed in Lieu of Foreclosure affected?

A. No, only properties acquired through a Certificate of Title in accordance with Chapter 45, Florida Statutes (Foreclosures and Judgments).

Q. Are Foreclosed Properties acquired through a Certificate of Title in Accordance with Chapter Florida Statutes (Foreclosures and Judgments) prior to October 14th, 2009 required to obtain a Certificate of Use?

A. No, only properties acquired through a Certificate of Title **on or thereafter February 1st, 2010**, in accordance with Chapter 45, Florida Statutes (Foreclosures and Judgments).

Q. What does the new Certificate of Use (CU) process for the sale of foreclosed properties require?

A. The new CU process includes preparation of a **disclosure of findings report**, which identifies building or zoning code violations for each property and contains a good faith estimate of the cost to remedy any deficiencies. This report must be completed by an architect or professional engineer licensed and registered in the State of Florida and submitted to the Planning and Zoning Department located at 8300 NW 53rd Street Suite 2006, Doral, FL 33166.

Q. How can the new Certificate of Use (CU) process for the sale of foreclosed properties protect people?

A. By making prospect property owners aware of building or zoning deficiencies.

Q. Are there submittal forms?

A. The submittal form to be used by the applicant in the preparation of the disclosure and findings report is available at both of the Department of Planning and Zoning locations, as well as on the Department's web page www.cityofdoral.com/departments/planning&zoning

Q. What is the process for the new Certificate of Use (CU) for the sale of foreclosed properties?

A. The process is as follows:

1. Submittal of the Disclose and Finding report to the Planning and Zoning, along with initial filing fee of \$ 250.00 (Total filing fee is \$300.00).
2. Staff reviews report and determines acceptance or denial of report. In addition, staff also identifies potential violations and refers violations to the appropriate agencies and/or departments. (Acceptance or denial of the report is independent of the resolutions of any violations).
3. Upon acceptance of report, applicant records the report with the Clerk of the Court (which has four recording locations, including the West Dade Satellite Recording Office conveniently located at the Miami-Dade Permitting and Inspection Center) and submits report to the P&Z Department along with the remaining filing amount of \$50.00.
4. DP&Z staff issues the Certificate of Use for the sale of foreclosed properties and deems the certificate of title holder to be in compliance.

Q. How can the new Certificate of Use (CU) process for the sale of foreclosed properties protect people?

A. By making prospect property owners aware of building or zoning deficiencies.

Q. How long will the process – from filing the application to obtaining a CU take?

A. The CU issuance process is expected to take between 1 to 4 days after the filing of a complete Disclosure of Findings report.

Q. What about violations?

A. After the disclosure and findings report has been reviewed by staff, violations noted by the design professional will be referred to the appropriate department, Building or Code Enforcement. DP&Z staff will notate on the disclosure report that a referral(s) has been made prior to the document being recorded. **Please note that the report's acceptance is independent from the outcome of these violations.**

Q. What will happen with the code violations after the report is completed and the City becomes aware of the violations? Will the City's code enforcement officials start issuing fines to the owner of the property?

A. The Ordinance requires that violations be referred to the applicable City Departments. If code enforcement action is initiated and the property continues to be in violation of the code, fines may be levied only after the warning/citation and hearing/appeals processes have been completed.

Q. What are penalties for non-compliance with the new Certificate of Use (CU) for the sale of foreclosed properties?

A. Failure to obtain the required CU will result in penalties as provided in Chapter 8CC of the County code.

Q. Who is responsible for fixing the code violations?

A. From a legal perspective the owner of the property during any time that the violation exists is responsible to the County to remedy the code violations. As such, the buyer and seller will ultimately be legally responsible for repairs unless the repairs are made before the closing. However the seller and the buyer can decide between themselves as part of the sales contract who will be responsible for the repairs.

Q. If the code violations are corrected after the report is recorded, how will it be possible to reflect corrections on the recorded?

A. The responsible party may choose to have an architect or engineer prepare a report that certifies the completion of repairs and subsequently submit that report for recordation. They may also choose to record a statement from a contractor that all identified repairs have been made.