

1 RESOLUTION NO. 2010-

2 A RESOLUTION OF THE BOARD OF COUNTY
3 COMMISSIONERS OF BROWARD COUNTY, FLORIDA,
4 PERTAINING TO THE HOUSING FINANCE AND
5 COMMUNITY DEVELOPMENT DIVISION'S HOUSING
6 PROGRAMS AND "STATE HOUSING INITIATIVE
7 PARTNERSHIP (SHIP) PROGRAM"; AMENDING
8 CHAPTER 27, PART XXXVI, SECTION 27.204, TERM AND
9 AMOUNT OF LOAN; SATISFACTIONS OF MORTGAGE;
10 RELEASES OF COVENANTS, AND SECTION 27.205,
11 PROGRAM REQUIREMENTS; AMENDING CHAPTER 27,
12 PART XXXVIII, SECTION 27.234, MORTGAGE
13 SATISFACTION AND SUBORDINATION; RELEASES OF
14 RESTRICTIVE COVENANTS; PROVIDING FOR
15 SEVERABILITY; PROVIDING FOR INCLUSION IN THE
16 ADMINISTRATIVE CODE; AND PROVIDING FOR AN
17 EFFECTIVE DATE.

18 WHEREAS, Chapter 27, Part XXXVI, Section 27.204(b) of the Broward County
19 Administrative Code (Code) pertaining to the Housing Finance and Community
20 Development Division's Housing Programs requires Board approval for settlement of
21 any loan for less than the amount owed to Broward County and requires any
22 Satisfaction of Mortgage or Release of Restrictive Covenants pertaining thereto to be
23 approved by the Board and executed by the Mayor or Vice Mayor of the Board; and

24 WHEREAS, the Board desires to amend Section 27.204(b) of the Code granting
authority to the County Administrator to approve mortgage loan reductions or
modifications in all single family homeownership programs (CDBG, HOME, SHIP, NSP,
and AHP) agreeing to a lesser amount than what is owed Broward County when certain
hardship criteria are met, as well as, execute Satisfactions of Mortgage and Releases of
Covenants pertaining thereto; and

1 WHEREAS, the Board desires to delete Section 27.205(d) of the Code to be
2 consistent with the County's Prompt Payment Ordinance and Florida Statute 218.735,
3 Prompt Payment Act; and

4 WHEREAS, the Board desires to amend Chapter 27, Part XXXVII, Section
5 27.234(a) of the Code to incorporate a cross reference to the authority granted to the
6 County Administrator in the revised Section 27.204(b); NOW, THEREFORE,

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8 BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF
9 BROWARD COUNTY, FLORIDA:

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11 Section 1. Broward County Administrative Code, Chapter 27, Part XXXVI,
12 Sections 27.204(b), "*Term and Amount of Loan; Satisfactions of Mortgage; Releases of*
13 *Covenants*"; and 27.205(d), "*Program Requirements*"; are hereby amended to read as
14 follows:

15 **27.204. Term and Amount of Loan; Satisfactions of Mortgage; Releases of**
16 **Covenants.**

17 . . .

18 b. Upon full payment or reduction of a loan, the County Administrator is
19 authorized to execute a satisfaction of mortgage or a release of restrictive covenants, as
20 appropriate. ~~All satisfactions and releases shall be reviewed and approved as to form~~
21 ~~by the Office of the County Attorney prior to execution by the Administrator.~~ Settlement
22 of any single family housing rehabilitation loan for less than the amount owed to the
23 County shall be approved by the Board of County Commissioners and any satisfaction
24 of mortgage or release of restrictive covenants pertaining thereto shall be executed by

Coding: Words in ~~struck-through~~ type are deletions from existing text. Words in
underscored type are additions.

1 the Mayor or Vice Mayor of the Board, except as provided for herein. The County
2 Administrator is authorized to approve a mortgage loan reduction or modification for
3 less than the amount owed the County when non-action by the County would jeopardize
4 the County's loan primarily due to limited or no available equity in the property to satisfy
5 the loan and whereby accepting a lesser amount would prevent a foreclosure action or
6 tax sale. The primary criteria to determine whether a mortgage loan reduction or
7 modification will be approved are the circumstances of the delinquency, available equity
8 and no cash-out to the homeowner. A short sale agreement and/or a loan commitment
9 letter will be required when the property is being refinanced or sold. All satisfactions of
10 mortgages and releases of restrictive covenants, including those prepared when the
11 County Administrator is authorized to approve a mortgage loan reduction for less than
12 the amount owed the County shall be reviewed and approved as to form by the Office of
13 the County Attorney prior to execution by the Administrator.

14 . . .

15 **27.205. Program Requirements.**

16 . . .

17 ~~d. Five percent (5%) of the total job amount stated in the Program Agreement~~
18 ~~between Contractor and Applicant shall be withheld from General Contractor for forty-~~
19 ~~five (45) days from date of receipt of certificate of occupancy to allow for identification of~~
20 ~~perfected liens.~~

21 . . .

22 Section 2. Broward County Administrative Code, Chapter 27, Part XXXVI,
23 Section 27.234, "*Mortgage Satisfaction and Subordination; Releases of Restrictive*
24 *Covenants*" is hereby amended to read as follows:

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1 **27.234. Mortgage Satisfactions and Subordinations; Releases of Restrictive**
2 **Covenants.**

3 a. The County Administrator is authorized to execute mortgage satisfactions or
4 releases of restrictive covenants, upon request, where the existing mortgage balance is
5 paid in full. Satisfactions of mortgages or releases of restrictive covenants relating to a
6 mortgage loan reduction or modification for less than the amount owed to the County
7 shall be approved and executed by the Board of County Commissioners. In certain
8 instances, as provided for in Section 27.204(a), the County Administrator is authorized
9 to approve a mortgage loan reduction or modification accepting a lesser amount than
10 what is owed the County. All satisfactions of mortgages and releases of restrictive
11 covenants, including those prepared when the County Administrator is authorized to
12 approve a mortgage loan reduction for less than the amount owed the County, shall be
13 reviewed and approved as to form by the Office of the County Attorney prior to
14 execution by the Administrator. ~~Satisfaction or release of any loan for less than the~~
15 ~~amount owed to the County shall be approved and executed by the Board of County~~
16 ~~Commissioners.~~

17 . . .

18 Section 3. SEVERABILITY.

19 If any portion of this Resolution is determined by any Court to be invalid, the invalid
20 portion shall be stricken, and such striking shall not affect the validity of the remainder of
21 this Resolution. If any Court determines that this Resolution, or any portion hereof,
22 cannot be legally applied to any individual(s), group(s), entity(ies), property(ies), or
23 circumstance(s), such determination shall not affect the applicability hereof to any other
24 individual, group, entity, property, or circumstance.

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1 Section 4. INCLUSION IN CODE.

2 It is the intention of the Board of County Commissioners that the provisions of
3 this Resolution shall become and be made a part of the Broward County Code; and that
4 the sections of this Resolution may be renumbered or re-lettered and the word
5 "Resolution" may be changed to "section," "article," or such other appropriate word or
6 phrase in order to accomplish such intentions.

7 Section 5. EFFECTIVE DATE.

8 This Resolution shall become effective upon adoption.

9 ADOPTED this day , 2010.

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PME/dp
08/10/10
Acceptance of lesser amounts Reso.doc
#10-051

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