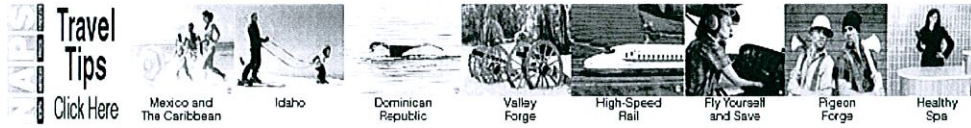


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Florida legislature to consider new real estate laws

As lawmakers begin the 2011 legislative session in Tallahassee on Tuesday, some crucial housing legislation is on the table.

HOUSING BILLS BEING CONSIDERED

Condo Associations

Senate Bill 712: Condominiums

Sponsor: Sen. Gwen Margolis (D-Sunny Isles),

Bill would provide an additional tool for condo associations dealing with owners delinquent on their monthly assessments. Under this bill, associations would have power to restrict cable television service and internet access from owners of delinquent condos.

Senate Bill 1516: Community Associations

Sponsors: Jeremy Ring (D-Margate), Rep. George R. Moriatis (R-Fort Lauderdale)

Bill would provide condo associations a number of additional powers, including the ability to collect full rent directly from tenants in delinquent units until those units are brought current. Additionally, the bill provides protections for condo associations that file foreclosure against delinquent unit owners, ensuring that they are not held liable for that owner's past due assessments when they take title.

Property Taxes

Senate Bill 0390: Homestead Property Assessed Value

Sponsor: Anitere Flores, (R-Miami)

Bill would seek to change a portion of the Florida Constitution's Save Our Homes Law, by eliminating the Recapture Rule. If approved by voters, the amendment would prohibit a home's property value assessment from increasing during years when the home's market value decreases. In 2010, 241,000 homes in Miami-Dade County homes were affected by the recapture rule, according to the Property Appraiser. The amendment to the constitution would have to be approved by voters, and would take effect Jan. 1, 2013.

House Joint Resolution H331: Property Assessments

Sponsors: Rep. Chris Dorworth (R-Lake Mary), others

This bill seeks to amend the Florida Constitution, and potentially lower property taxes for new homeowners and second homeowners. The bill reduces the annual cap on increases in property assessments for non-homesteaded properties, from 10 percent down to 3 percent. The bill would also provide an additional homestead exemption for first-time homebuyers, worth 50 percent of the property value.

BY TOLUSE OLORUNNIPA
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The many woes of Florida's housing market are well-known: hundreds of thousands of foreclosures, millions of underwater mortgages and a four-year trail of depreciating property values.

Florida lawmakers, handicapped by a \$3.6 billion budget shortfall, will take their best shot at solving some of the most pressing housing problems during this year's legislative session, which kicks off on Tuesday in Tallahassee.

In a session likely to be dominated by budget battles, public employee pensions and education reform, housing legislation isn't at the top of most lawmakers' minds, said Arden Shank, president of Neighborhood Housing Services of South Florida.

"Housing as a public policy issue is a real face-the-music issue for many homeowners and has been an issue for many years now, and folks tend to forget about it," he said. "Foreclosure prevention, at least for South Florida, is still a major issue."

A few lawmakers—many of them from South Florida—are pitching housing bills this year. The proposed laws generally fall into three categories: help for condo associations, property tax reform and changes to the foreclosure process.

ASSOCIATIONS

Last year, the Legislature passed the Distressed Condo Relief Act, which gave condominium associations the authority to collect rent directly from the tenants of delinquent unit owners, and bar any non-paying condo owners from using common amenities like pools.

A couple of bills up for consideration this year seek to expand on those powers, appealing to the growing number of condo boards frustrated by their defaulting neighbors.

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Foreclosures

Senate Bill 1288 Nonjudicial Foreclosure Commercial Real Property

Sponsor: Alan Hays (R-Umatilla)

This bill would provide banks and mortgage lenders the option of conducting foreclosure on commercial properties outside of the courtroom. Florida, one of 23 judicial foreclosure states, currently requires lenders to go to court in order to repossess properties that are delinquent on payments. This bill would allow lenders to reclaim a property through a trustee foreclosure, which generally is swifter than a judicial foreclosure.

Woodie Neiss, president of the condo board at The Bamboo House Condominium in Miami Beach, says his association needs every tool it can get to deal with delinquent homeowners. One unit owner, he says, is \$14,000 behind on maintenance fees and has been openly defiant towards anyone trying to collect.

"He's completely milking the system. He knows that it's so hard for people to kick him out and his goal is just to stay in there rent free," he said. "We pay for the water, we pay for the insurance, we pay for the cable. It's completely ridiculous."

Since the condo building only has 12 units, each non-paying owner leaves a large burden on the other owners, said Neiss, who became president when nine of the unit owners were paying their fees.

One bill, backed by Sen. Gen Margolis, D-Aventura, would give condo associations the power to cut off cable and Internet access to unit owners who are more than 90 days behind on their maintenance fees.

The Bamboo House condo has a bulk cable agreement, Neiss said, so owners in good standing have been subsidizing the cable costs of the delinquent owner for four years. A law that would allow the condo to cut off cable in the delinquent units would be helpful, he said.

"Why do these people need cable television?" he asked. "So they can sit there and make their lives even more comfortable, while they're making life miserable for the rest of us?"

Critics say the bill is an overreach, and will not help a situation caused mostly by stubbornly high unemployment.

Sen. Jeremy Ring, D-Margate, is against the idea of cutting off unit owners' cable, but is sponsoring legislation that he believes will help associations and clean up some of the foreclosure process at the same time.

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