MIAMIBEACH

City of Miami Beach, 1700 Convention Center Drive, Miami Beach, Florida 33139, www.miamibeachfl.gov

COMMISSION MEMORANDUM

TO: Mayor Dan Gelber and Members of the City Commission

FROM: Rafael A. Paz, City Attorney

FIRST READING

DATE: September 14, 2022

SUBJECT: **AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING CHAPTER 58 OF THE MIAMI BEACH CITY CODE, ENTITLED "HOUSING," BY AMENDING ARTICLE IV, ENTITLED "RENTAL HOUSING," BY AMENDING DIVISION 2, ENTITLED "BUILDINGS UNFIT FOR HUMAN HABITATION," BY AMENDING SECTIONS 58-361 THEREOF ENTITLED "DESIGNATION OF BUILDINGS AS UNFIT FOR HUMAN HABITATION; PLACARDING OF UNFIT BUILDINGS; CONDEMNATION OF UNFIT BUILDINGS" AND 58-362 THEREOF, ENTITLED "OWNER'S DUTY TO RELOCATE RESIDENTS," TO PROVIDE ADDITIONAL REMEDIES FOR RESIDENTIAL TENANTS IN CONDEMNED BUILDINGS; CREATING SECTION 58-364 ENTITLED "PROVISIONS OF DIVISION SUPPLEMENTAL AND ADDITIONAL TO OTHER LAWS"; AND PROVIDING FOR REPEALER, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.**

The proposed Ordinance, sponsored by Commissioner David Richardson, is submitted to the Mayor and City Commission for first reading on September 14, 2022.

Following the June 24, 2021 major structural collapse of the Champlain Towers South residential building in Surfside, Florida, the State of Florida and counties and municipalities throughout the State have enacted legislation to strengthen building code requirements and applicable laws involving unsafe structures.

Section 58-362 of the City Code, which has not been amended since its initial enactment in 1964, requires owners of buildings that are declared unfit for human habitation to relocate residents, and provides that if the owners fail to do so, the City may take whatever steps may be necessary to relocate the residents at the owner's expense, with City's right to lien the property if Owner fails to reimburse the City for the expenses incurred in connection with the relocation.

On March 1, 2022, the Board of County Commissioners for Miami-Dade County adopted Ordinance No. O-22-24, which builds on the basic premise of the City's existing ordinance, and also holds residential building owners responsible for providing alternate housing for displaced residents, and paying costs associated with relocation, when a building is deemed unsafe by the building official having jurisdiction and must be vacated.

On June 15, 2022, a residential building housing many rental tenants in the City of Miami Beach was declared unsafe by the City's building official, requiring all inhabitants of the building to evacuate and relocate.

The proposed Ordinance is intended to address certain challenges tenants have experienced with holding owners of unsafe structures to account for their relocation expenses, under either the City Code or the new County legislation.

Specifically, the proposed Ordinance supplements other county, state, and federal laws to (1) enumerate specific expenses incurred by innocent tenants that residential building owners must pay and (2) clarify that these expenses are payable regardless of fault if a residential building is condemned.

The proposed Ordinance's enumerated expenses that landlords of tenants in condemned buildings must pay includes, but is not limited to:

(1) all necessary arrangements to relocate the displaced residents into housing in the City of Miami Beach and, if practicable, within 2 miles of the condemned building, that is safe, sanitary, and secure until such time that the building, unit, or units are made safe for re-occupation, or for at least a three-month period, whichever is shorter;

(2) actual and reasonable moving costs incurred by the tenant(s);

(3) actual and reasonable cost of meals incurred by the tenant(s) from the time of the condemnation and placarding until the building is deemed safe for human habitation or for at least a three-month period, whichever is shorter;

(4) parking expenses;

(5) transportation expenses;

(6) storage expenses; and

(7) owner shall, if the building remains uninhabitable for more than 3 months or the tenant elects to permanently relocate, return the tenant's full security deposit as soon as practicable, in compliance with all existing ordinances and/or statutes governing security deposits.

The legislation leaves intact the City's current option to pay these expenses to tenants if the owner refuses to do so, and to ultimately collect all expenses of the City through the placement of a lien on the property.

RAP/RFR/mm