MIAMIBEACH

COMMISSION MEMORANDUM

TO: Honorable Mayor and Members of the City Commission
FROM: Vice-Mayor Alex Fernandez
DATE: November 16, 2022

SUBJECT: REFERRAL TO THE PUBLIC SAFETY AND NEIGHBORHOOD QUALITY OF LIFE COMMITTEE AND THE LAND USE AND SUSTAINABILITY COMMITTEE - DISCUSSION REGARDING CRIMINAL PENALTIES FOR DEMOLITION BY NEGLECT WHEN CIVIL PENALTY REMAIN UNPAID AT TIME OF DEMOLITION.

BACKGROUND/HISTORY

The historic Deauville will be imploded in a few hours, this morning. The negligence of the property owner will deprive our community of an important part of our history. Nonetheless, it is my understanding they have not paid the civil fines to the city. As such I would like to refer the above-referenced item to the Public Safety and Neighborhood Quality of Life Committee ("PSNQLC") and to the Land Use and Sustainability Committee ("LUSC") to consider whether the City should adopt criminal penalties for demolition by neglect.

"Demolition by Neglect" is the term used to describe a situation in which a property owner intentionally allows a historic property to suffer severe deterioration, potentially beyond the point of repair. Property owners may use this kind of long-term neglect to circumvent historic preservation regulations. More over this dangerous practice jeopardizes the public's safety, impacts the quality of life of surrounding neighbors, and affects the economic activity of the area.

Section 118-532(g)(1)(d) of the City Code establishes a civil penalty for demolition by neglect of up to $5,000.00 per day, for each day that the remedial and corrective action is not taken.

I would like the committees to consider whether the City Commission should adopt criminal penalties for demolition by neglect against those responsible **when the civil penalty has not been paid by the time of demolition.**

Should you have any questions or concerns about any of the foregoing, please do not hesitate to contact me at alex@miamibeachfl.gov.

SUPPORTING SURVEY DATA

N/A

FINANCIAL INFORMATION

N/A

Applicable Area

Citywide

Is this a "Residents Right to Know" item, pursuant to City Code Section 2-14?	**Does this item utilize G.O. Bond Funds?**
Yes	No

Strategic Connection

Non-Applicable

Legislative Tracking

Vice-Mayor Alex Fernandez