MIAMI BEACH

COMMISSION MEMORANDUM

TO: Honorable Mayor and Members of the City Commission
FROM: Rafael A. Paz, City Attorney
DATE: March 13, 2024

SUBJECT: A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, DIRECTING THE ADMINISTRATION TO IDENTIFY APPROPRIATE FUNDING IN THE FY 2024 BUDGET FOR THE CITY MANAGER TO CREATE A POSITION AND HIRE A CONDOMINIUM OMBUDSPERSON TO ASSIST CONDOMINIUM AND CO-OP OWNERS TO NAVIGATE THROUGH THE CITY'S PERMITTING PROCESS, FACILITATE RESOLUTION OF OTHER CONDOMINIUM RELATED ISSUES WITH OTHER OUTSIDE AGENCIES, AND ACT AS A LIAISON BETWEEN CONDOMINIUM OR CO-OP OWNERS, MANAGEMENT FIRMS AND THE CITY OF MIAMI BEACH.

BACKGROUND/HISTORY

Was this Agenda Item initially requested by a lobbyist which, as defined in Code Sec. 2-481, includes a principal engaged in lobbying? __ Yes X No

If so, specify name of lobbyist(s) and principal(s): N/A

ANALYSIS

The attached Resolution was prepared at the request of the sponsor, Commissioner Tanya K. Bhatt.

SUPPORTING SURVEY DATA

N/A

FINANCIAL INFORMATION

The sponsor of this item requests that the Administration be prepared to address the fiscal impact of this proposed measure as part of the FY2024 annual budget process.

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

Legislative Tracking

Office of the City Attorney

Sponsor

Commissioner Bhatt/Co-sponsored by Commissioners Fernandez, Dominguez, Rosen Gonzalez, & Suarez

ATTACHMENTS:

Description

- Revised Resolution

RESOLUTION NO. _____

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, DIRECTING THE ADMINISTRATION TO IDENTIFY APPROPRIATE FUNDING IN THE FY 2024 BUDGET FOR THE CITY MANAGER TO CREATE A POSITION AND HIRE A CONDOMINIUM OMBUDSPERSON TO ASSIST CONDOMINIUM AND CO-OP OWNERS TO NAVIGATE THROUGH THE CITY'S PERMITTING PROCESS, FACILITATE RESOLUTION OF OTHER CONDOMINIUM-RELATED ISSUES WITH OTHER OUTSIDE AGENCIES, AND ACT AS A LIAISON BETWEEN CONDOMINIUM OR CO-OP OWNERS, MANAGEMENT FIRMS AND THE CITY OF MIAMI BEACH.

WHEREAS, in 2013, the voters of the City of Miami Beach overwhelmingly adopted a Charter Amendment at Section (A) 20 of the Citizens' Bill of Rights (the "Condominium Assistance Charter Provision") to acknowledge the purposes and duties of the City's Administration as assisting condominium and co-op owners to navigate through the City's permitting process; to facilitate resolution of other condominium-related issues with other outside agencies; and to act as a liaison between condominium or co-op owners, management firms and the City; and

WHEREAS, although these duties have been assigned to various positions, to date, the City has not created a Condominium Ombudsperson position that would serve to fulfill the mandate set forth in the Citizens' Bill of Rights; and

WHEREAS, according to a November 2023 Florida Bar article, approximately 20% of all condominium residents that reside in the entire State of Florida reside in Miami-Dade County; and

WHEREAS, the majority of residents in the City of Miami Beach reside in buildings operated by condominium or cooperative associations; and

WHEREAS, the City Commission allocated monies in the FY 2024 budget to enhance a position within the City to serve as a "Permitting Ombudsman;" and

WHEREAS, although this enhancement helps to fulfill one of the City's responsibilities pursuant to the Citizens' Bill of Rights, it does not fulfill the equally important functions of facilitating the resolution of other condominium-related issues with other outside agencies and acting as a liaison between condominium/cooperative owners, management firms and the City; and

WHEREAS, recent Florida legislation imposed significant duties upon Associations in older condominiums to conduct comprehensive structural inspections to assess the existence and scope of possible structural deterioration in condominium buildings, and to budget for and maintain reserve funds as a long-term planning tool to discharge future expenses; and

WHEREAS, especially in smaller buildings, residents complain of developers purchasing the majority of units in the association and then taking control of the board of directors which then pass resolutions imposing large special assessments that many long-term residents are unable to afford; and

WHEREAS, as a result, many have no choice but to sell their units and long-term Miami Beach residents are displaced; and

WHEREAS, resident owners in many buildings complain of non-resident owners who use their units for short-term rentals and aren't willing to spend money for communal life/safety upgrades; and

WHEREAS, in order to properly implement the Condominium Assistance Charter Amendment, the City should create a position for a professional with relevant experience assisting condominium and/or co-op owners in navigating city processes and working with other governmental agencies to facilitate the resolution of condominium-related issues; and

WHEREAS, the City of Miami Beach Condominium Ombudsperson would serve as a liaison between condominium and co-op owners, management companies and the City; and

WHEREAS, although the Condominium Ombudsperson will not be providing legal advice or representation of any kind, the ideal candidate should have relevant experience in law, public administration or a related field; and

WHEREAS, this position would report to the City Manager and provide a yearly report and analysis on the majority of condominium/coop resident complaints, and on how the City can better serve condominium/coop residents and make recommendations to the Commission on how to better serve condominium/coop resident needs.

NOW, THEREFORE, BE IT DULY RESOLVED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, that the Mayor and City Commission hereby direct the Administration to identify appropriate funding in the FY 2024 budget for the City Manager to create a position and hire a Condominium Ombudsperson to assist condominium and co-op owners to navigate through the City's permitting process; facilitate resolution of other condominium-related issues with other outside agencies, and act as a liaison between condominium or co-op owners, management firms and the City of Miami Beach.

PASSED AND ADOPTED this _____ day of _____, 2024.

ATTEST:

_____
Steven Meiner, Mayor

_____
Rafael E. Granado, City Clerk

(Sponsored by Commissioner Tanya K. Bhatt)

APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION

City Attorney 1-25-24 Date