

ORDINANCE NO. _____

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.

WHEREAS, in the early morning hours of June 24, 2021, a residential condominium building known as Champlain Towers South located at 8777 Collins Avenue in Surfside, Florida, experienced a major structural collapse; and

WHEREAS, 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; and

WHEREAS, on March 1, 2022, the Board of County Commissioners for Miami-Dade County adopted Ordinance No. O-22-24, to hold 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; and

WHEREAS, the Mayor and City Commission desire to supplement other county, state, and federal laws to enumerate specific expenses incurred by innocent tenants that residential building owners must pay and to clarify that these expenses are payable regardless of fault if a residential building is condemned.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA:

SECTION 1. Sections 58-361 and 58-362 of Division 2, of Article IV, of Chapter 58 of the City Code, entitled "BUILDINGS UNFIT FOR HUMAN HABITATION" are hereby amended, and section 58-364 is created, as follows:

CHAPTER 58

HOUSING

* * *

ARTICLE IV. RENTAL HOUSING

* * *

DIVISION 2. BUILDINGS UNFIT FOR HUMAN HABITATION

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Sec. 58-361. - Designation of buildings as unfit for human habitation; placarding of unfit buildings; condemnation of unfit buildings.

- (a) The designation of buildings as unfit for human habitation and the procedure for condemnation and placarding, as unfit for human habitation, of such unfit buildings shall be carried out in compliance with the requirements of subsections (b)—(g) of this section.
- (b) Any building found to have any of the following defects shall be designated by a city code compliance officer, or by the building official if the building is designated unsafe pursuant to the provisions of the South Florida Building Code, as unfit for human habitation and shall be so placarded:
 - (1) One which is so damaged, decayed, dilapidated, unsanitary, unsafe or vermin-infested that it creates a serious hazard to the health or safety of the occupants or of the public.
 - (2) One which lacks illumination, ventilation or sanitation facilities adequate to protect the health or safety of the occupants or of the public.
 - (3) One which, because of its general condition or location, is unsanitary, or otherwise dangerous to the health or safety of the occupants or of the public.
- (c) Any building declared unfit for human habitation by the enforcing agency shall be so designated by posting a placard in a conspicuous place on the structure.
- (d) A building condemned and placarded as unfit for human habitation shall be vacated within 30 days as ordered by the enforcing agency and shall not be used for occupancy again until written approval is secured from, and the placard removed by, the enforcing agency. The enforcing agency shall order the removal of the placard whenever the defect upon which the condemnation and placarding actions were based, have been eliminated.
- (e) When, in the opinion of the enforcing agency, there is actual or immediate danger of the failure or collapse of a building or structure, or there is a health, windstorm or fire hazard, he or she may order, by condemnation and placarding, the occupants to vacate, temporarily close for use or occupancy the rights-of-way

thereto, sidewalks, streets or adjacent buildings or nearby area and institute such other temporary safeguards, including securing the building or structure, as he or she may deem necessary under the circumstances, and may employ the necessary labor and materials to perform the required work as expeditiously as possible. In such event, the operation of the notice and hearing requirements of this section shall be suspended as reasonably necessary in the opinion of the enforcing agent to redress the emergency situation, except that expeditious post-deprivation notice and hearing before a city special magistrate (if requested) shall be provided. Costs incurred in the performance of such emergency work shall be paid by the appropriate governmental authority and upon the recording in the public records of this county a certificate executed by the building official, certifying the amount so expended, the same shall become a lien against the property involved.

- (e) No person shall deface or remove the placard from any building condemned as unfit for human habitation and placarded as such, except as provided in subsection (d) of this section.
- (f) Any person whose property has been placarded as unfit for human habitation may request and shall be granted a hearing on the matter before the special magistrate of the city in accordance with the procedures set forth in [Section 58-233](#).
- (g) Where a code compliance officer determines that a building is an unsafe building within the provisions of the South Florida Building Code, he or she shall immediately report the matter to the city building official, who shall evaluate the building and surrounding area for possible condemnation and placarding as referenced herein.

Sec. 58-362. Owner's duty to relocate residents.

- (a) Within 14 days 24 hours from the time an occupied residential building is declared unfit for human habitation and placarded, or within 8 hours if the building is declared unfit for human habitation as an emergency pursuant to Sec. 58-361(e), the owner shall make all necessary arrangements and pay for all reasonable expenses incurred by the residential tenant(s) to relocate the residents in the building into comparable housing that is safe, sanitary and secure and pay the expenses involved in such relocation, including, without limitation:
 - (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.
- (b) If the owner shall fail to timely take the necessary steps to provide and pay for the relocation of displaced residents, and city personnel will be empowered to assist in the relocation, if any expenses are incurred by the city, the owner shall pay all expenses incurred by the city, with payment to occur within seven days from receiving an itemization of expenses incurred in the relocation.
- (c) If the owner shall fail to pay city-incurred expenses, a lien against the realty and personalty of the owner shall be filed in the public records of the county and shall be of a dignity equal to liens filed for ad valorem taxation. This lien shall carry an interest rate at the maximum rate provided by F.S. § 687.02. Upon foreclosure of the lien, the city shall be entitled to attorney fees and costs.

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Sec. 58-364. Provisions of Division Supplemental and Additional to Other Laws.

The provisions of this Division are supplemental and additional to any mandate, requirement, or payment provided under county, state, or federal law. They do not replace them.

SECTION 2. CODIFICATION.

It is the intention of the Mayor and City Commission of the City of Miami Beach, and it is hereby ordained that the provisions of this ordinance shall become and be made part of the Miami Beach City Code. The sections of this ordinance may be renumbered or relettered to accomplish such intention, and the word "ordinance" may be changed to "section," "article," or other appropriate word.

SECTION 3. REPEALER.

All ordinances or parts of ordinances in conflict herewith be and the same are hereby repealed.

SECTION 4. SEVERABILITY.

If any section, subsection, clause or provision of this Ordinance is held invalid, the remainder shall not be affected by such invalidity.

SECTION 5. EFFECTIVE DATE.

This Ordinance shall take effect 10 days after passage.

PASSED and **ADOPTED** this _____ day of _____, 2022.

ATTEST:

Dan Gelber, Mayor


Rafael E. Granado, City Clerk

(Sponsored by Commissioner David Richardson)

Underlined denotes new additions

~~Strikethrough~~ denotes deletions

APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION



City Attorney

9-1-22

Date

