

**ORDINANCE NO. 2022-06**

**AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF NORTH MIAMI BEACH AMENDING CHAPTER XIV ENTITLED “BUILDING AND HOUSING”; AND MORE SPECIFICALLY CREATING A NEW SECTION 14-9 ENTITLED “PAYMENT OF RELOCATION COSTS BY OWNERS OF RESIDENTIAL BUILDINGS FOR DISPLACED RESIDENTS”; PROVIDING FOR PAYMENT OF RELOCATION COSTS BY THE CITY OF NORTH MIAMI BEACH UPON AN OWNERS’S FAILURE TO PAY; REQUIRING REIMBURSEMENT TO THE CITY OF NORTH MIAMI BEACH FOR ANY RELOCATION COSTS PAID BY THE CITY; PROVIDING FOR PLACEMENT OF A LIEN ON OWNERS PROPERTY FOR ANY UNREIMBURSED RELOCATION EXPENSES INCURRED BY THE CITY; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEALER AND CODIFICATION; AND PROVIDING FOR 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**, a substantial portion of the building was destroyed and the remainder of the structure had to be demolished; and

**WHEREAS**, the structural collapse of the building tragically resulted in many fatalities among the building’s residents and visitors; and

**WHEREAS**, in addition to the tragic loss of life, the building’s collapse led to the displacement of hundreds of residents, many of whom had no place to live; and

**WHEREAS**, it is the intent of the City of North Miami Beach to prevent such a tragedy from ever happening again; and

**WHEREAS**, Codes of North Miami Beach and Miami-Dade County currently give the Building Official the authority to order the residents of a structure to vacate or to temporarily close a structure when the Building Official is of the opinion that there is actual or immediate danger of failure or collapse; and

**WHEREAS**, the Codes also grant the Building Official the authority institute such other temporary safeguard, including securing the building or structure, as the Building Official may deem necessary under the circumstances, and requires the owner to beach the costs of implementing such safeguards; and

**WHEREAS**, when an order to vacate a residential building is issued, in addition to the costs to secure the building and implement safeguards, there is a significant cost and inconvenience to the residents that live in the building, including the costs of relocating; and

**WHEREAS**, unlike the requirement in the Code which requires an owner to bear the costs associated with securing and safeguarding the building, there is no requirement that an owner bears the sometimes-significant costs to residents that an order to vacate creates; and

**WHEREAS**, regardless of a resident's income, the unexpected expenses caused by an order to vacate on little or no notice can negatively impact their way of life; and

**WHEREAS**, the owner, as the person or entity responsible for the maintenance and safety of the dwelling, should bear the costs to residents associated with receiving an order to vacate due to unsafe condition created under their stewardship; and

**WHEREAS**, it is the desire of this City Commission to require owners to be responsible for the housing and relocation of residents upon issuance of an order by the Building Official to close or vacate a building for safety concerns.

**NOW, THEREFORE, BE IT ORDAINED** by the Mayor and City Commission of the City of North Miami Beach, Florida, as follows:

**Section 1.** The foregoing WHEREAS clauses are hereby ratified and confirmed as being true and correct and are hereby made a specific part of this Ordinance upon adoption hereof.

**Section 2.** Section XIV of the Code of Ordinances of the City of North Miami Beach, Florida is hereby amended to create Section 14-9 and reads as follows:

**Sec. 14-9. Payment of relocation costs by owners of residential buildings for displaced residents.**

- (a) Emergency action.
- (a) When the Building Official orders an occupied residential building, unit, or units to be vacated, as authorized in Section 8-5 of Miami-Dade County Code, and deems that the actual or immediate danger of the failure or collapse of a building, unit, or structure, or health, windstorm, or fire hazard, is a result of the negligent or intentional act or failure to act by the owner, the owner shall, within eight hours from the time of the order to vacate, make, or cause to be made, all necessary arrangements to relocate the displaced residents into housing 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, and the owner shall pay or cause to be paid all of the reasonable expenses involved in such relocation. Reasonable efforts should be made to notify the owner of these obligations in writing on letterhead from the Building Official or designee, however, failure to provide such notice shall not affect the enforcement of this ordinance. If the owner fails to relocate displaced residents within eight (8) hours except where time is extended by Building Official, City personnel shall be empowered to assist in the relocation by providing crisis housing

Words stricken through shall be deleted. Words underscored constitute the amendment proposed. Remaining provisions are now in effect and remain unchanged.

placement and three meals a day for three (3) days immediately following the eight-hour period for the owner to comply. The City Commission must approve any relocation expense paid by the City. If, during that seven-day period, the owner fails to timely relocate displaced residents as described herein, City personnel shall be empowered to provide displaced residents with financial assistance to obtain temporary housing. The financial assistance may be in an amount not to exceed three (3) months' fair market rent, as defined by the United States Department of Housing and Urban Development. If the owner fails to timely relocate displaced residents as described herein, the owner shall pay all reasonable expenses incurred by the City, in accordance with the following:

- (i) Service of a Notice of Required Payment of Costs of Resident Relocation shall be made upon the building owner, or unit owner where applicable, by posting the Notice in a conspicuous location at the premises ordered to be vacated and by mailing the Notice by First Class Mail to the address listed in the records of the property appraiser's office for tax notices for the property ordered to be vacated, and at any other address provided to the Building Official by the owner, if any;
- (ii) The Notice of Required Payment of Costs of Resident Relocation shall include:
  - a. An affidavit itemizing the City's expenses incurred in the relocation, including but not limited to City administrative costs;
  - b. The date of issuance;
  - c. The name of the department or division issuing the Notice;
  - d. The obligation to relocate a resident or residents, and the code section creating such obligation;
  - e. The amount of relocation costs for which reimbursement is sought;
  - f. Notice of the right to request a hearing, as solely determined by the City, and instructions on how to file for the hearing;
  - g. Notice that a failure to request a hearing within 20 days after the receipt of the Notice of Required Payment of Costs of Resident Relocation shall constitute a waiver of the violator's right to the hearing;
  - h. Notice that at said hearing, the finder of fact shall determine whether the relocation costs were expended by the City in accordance with the requirements of Section 8-5 of the Miami-Dade County Code; whether there was an actual or immediate danger of the failure or collapse of a building, unit, or structure, or health, windstorm, or fire hazard; and whether the relocation of a resident or residents was the result of the negligent or intentional acts or inaction of the owner; and

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- i. Notice that the owner shall be liable for the reasonable costs of the hearing if the owner is unsuccessful at the hearing and other expenses incurred in evacuating the unsafe structure.
  - (iii) The owner shall, within 20 calendar days after the service of the Notice, either pay the City the relocation costs in full, or request a hearing to appeal the Notice. Appeal by administrative hearing shall be accomplished by filing a request in writing to the City Manager or designee within 20 calendar days after the service of the Notice.
    - a. Where no payment is made and no appeal has been timely filed, the failure to timely appeal shall constitute a waiver of the owner's right to hearing. A waiver of the right to hearing shall be treated as an admission that the City is entitled to reimbursement of the expended relocation costs, and a lien against the land on which the violation exists or upon any other real or personal property owned by the owner shall be assessed by designated City's Special Magistrate or the Unsafe Structures Board or Appeal Panel, at the City's discretion, and shall be filed in the public records of the City pursuant to the City Code.
    - b. Appeal of said Notice shall be heard during the related hearing concerning the code violations that caused the issuance of the Notice to Vacate the Premises. The Special Magistrate or Unsafe Structures Board or Appeal Panel shall order the owner to reimburse the City for monies expended to relocate a resident or residents, within thirty days of a finding that: the relocation costs were expended by the City in accordance with the requirements of this section; that there was an actual or immediate danger of the failure or collapse of a building, unit, or structure, or health, windstorm, or fire hazard; and that the relocation of a resident or residents was the result of the negligent or intentional acts or inaction of the owner. Alternatively, the findings required herein may be determined by a court of competent jurisdiction where the City has, at its discretion, brought an action for injunction or other equitable relief to enforce compliance with or prohibit the violation of the Code.
- (iv) If the owner fails to timely pay the City-incurred expenses pursuant to the Order issued by the Special Magistrate or Unsafe Structures Board or Appeal Panel, a lien against the land on which the violation exists or upon any other real or personal property owned by the owner shall be assessed by the Appeal Panel or Board upon the filing of an Affidavit of Nonpayment by the Building Official, and such lien shall be filed in the public records of the City pursuant to City. Alternatively, where the owner has failed to pay a judgment against the owner entered by a court of competent jurisdiction in an action for injunction or other equitable relief to enforce compliance with or prohibit the violation of the Code, pursuant to section 1-5 of the Code, the City may utilize any and all remedies allowed by law. Any lien or judgment imposed pursuant to this subsection shall carry an interest rate as provided by applicable law.

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- (v) With respect to rental units, the obligations of owners under this subsection shall only apply to tenancies entered into after the effective date of this subsection.

**Section 2.** All Ordinances or parts of Ordinances in conflict herewith are hereby repealed to the extent of such conflict.

**Section 3.** If any section, subsection, clause or provision of this Ordinance or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of this Ordinance that can be given affect without the invalid provision or application, and to this end the provisions of this Ordinance are declared to be severable.

**Section 4.** It is the intention of the Mayor and City Commission of the City of North Miami Beach and it is hereby ordained that the provisions of this Ordinance shall become and be made a part of the Code of Ordinances of the City of North Miami Beach, Florida. The Sections of this Ordinance may be renumbered or relettered to accomplish this intention and the word “Ordinance” may be changed to “Section”, “Article” or other appropriate word as the codifier may deem fit.

**Section 5.** This Ordinance shall become effective ten (10) days after adoption on second reading.

[SIGNATURE PAGE TO FOLLOW]

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**APPROVED** on this first reading this **19<sup>th</sup> day of April, 2022.**

**APPROVED AND ADOPTED** on second reading this \_\_\_\_ day of \_\_\_\_\_, 2022.

**ATTEST:**

\_\_\_\_\_  
ANDRISE BERNARD, MMC  
CITY CLERK

(CITY SEAL)

\_\_\_\_\_  
ANTHONY F. DEFILLIPO  
MAYOR

APPROVED AS TO FORM, LANGUAGE  
AND FOR EXECUTION

\_\_\_\_\_  
HANS OTTINOT  
INTERIM CITY ATTORNEY

Sponsored by: Commissioner Michael Joseph

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