



CARLOS A. GIMENEZ

MAYOR  
MIAMI-DADE COUNTY

February 11, 2015

Honorable Tomas Regalado  
Mayor, City of Miami  
3500 Pan American Drive  
Miami, FL 33133

Dear Mayor Regalado,

This is in response to the concerns you expressed regarding the City of Miami's ability to enforce Minimum Housing Standards. At our meeting on February 10, 2015, City staff and representatives from your City Attorney's Office communicated their belief that definitions contained in Chapter 17 of the Miami-Dade County Code preempt the City from regulating in this area. On the contrary, Section 17-4, Miami-Dade County Code, explicitly states, "[i]t shall be the duty and responsibility of municipal departments, officials and employees to enforce the minimum standards prescribed by the provisions of this chapter within the territorial limits of their respective municipalities." Accordingly, the City of Miami is not preempted by Chapter 17 of the County code, and in fact, is duty-bound to enforce the standards to the extent they are not preempted by the Florida building Code ("FBC") or Florida Statutes, as referenced below.

With respect to the property located at 6040 NW 12 Avenue and mentioned at the meeting, I want to bring to your attention that the provisions of Chapter 17 are preempted by Florida Statutes Chapter 509 with regards to apartment buildings with more than 4 units in which 75 percent or more of the units are available for rent to non-transient tenants. The Division of Hotels and Restaurants of the Department of Business and Professional Regulation (DBPR) regulates the inspections for such properties. The State has already exerted jurisdiction and it appears that DBPR has multiple active enforcement cases at this location which can be viewed at the following web address: <https://www.myfloridalicense.com/inspectionDates.asp?licid=4220024>.

Additionally, aside from properties under jurisdiction asserted by the State, with regard to Section 17-4 of the County Code, the City (and other municipalities) have alternative enforcement mechanisms to enforce minimum housing standards without reliance on Chapter 17. In that regard, I have also attached for your reference the matrix discussed at yesterday's meeting that cross references Chapter 17 prohibited conditions with other available enforcement mechanisms in the Florida Building Code, Chapter 8 of the County Code (available to all municipalities for enforcement), and provisions of the Code of the City of Miami. As was discussed at our meeting, and delineated in the attached matrix, most of the prohibited conditions addressed in County Code Chapter 17's Minimum Housing Standards are similarly addressed in the Florida Building Code or in other county-wide and/or local ordinances.

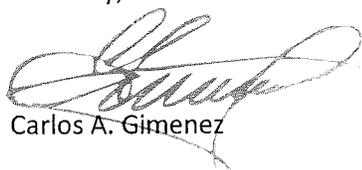
therefore, municipal building officials have ample enforcement mechanisms to address housing violations.

It should also be noted that since the repeal of the South Florida Building Code and the adoption of the statewide Florida Building Code in 2002, counties and municipalities may adopt heightened standards, beyond those enumerated in FBC, but only by duly enacted ordinances that comply with the Florida statute provisions addressing local technical amendments to FBC (See Fla. Stat. § 553.73). For this reason, many provisions of Chapter 17, some of which date back to 1963, may no longer be enforceable because they conflict with FBC and because there are no duly enacted local technical amendments to FBC that allow reliance on Chapter 17 of the County Code. Accordingly, violations issued under Chapter 17 that conflict with FBC may be legally challenged to the extent that the cited violation of Chapter 17 requires more than that required by FBC. In that regard, enforcement of FBC by the Building Official having jurisdiction would, in most cases, be more effective than reliance on Chapter 17 of the County code.

To the extent that the City of Miami wishes to enforce Chapter 17, Miami-Dade County Code, the County's prior correspondence to former City Manager Johnny Martinez, dated April 18, 2012, intended to transfer the authority to the City to enforce Minimum Housing Standards pursuant to Section 17-6 (15.2) of the County Code.

I hope this letter clarifies your concerns. Do not hesitate to contact me should you have further questions regarding this issue.

Sincerely,



Carlos A. Gimenez

Attachment

c: Daniel Alfonso, City of Miami Manager  
Alice Bravo, Deputy City Manager  
Robert A. Cuevas, County Attorney  
Russell Benford, Deputy Mayor  
Jack Osterholt, Deputy Mayor/Director, Department of Regulatory and Economic Resources  
Michael Liu, Director, Public Housing and Community Development  
Lourdes Gomez, Deputy Director, Department of Regulatory and Economic Resources  
Juliana Salas, P.E., Building Official/Assistant Director, Department of Regulatory and Economic Resources  
Tom Robertson, Assistant County Attorney  
David Sherman, Assistant County Attorney

**Sec. 17-4. Construction and applicability.**

All County and municipal departments, officials and employees who have the duty, responsibility or authority to issue permits or licenses in regard to the use and occupancy of dwellings, dwelling units, rooming houses, or rooming units, or similar facilities, shall conform to the provisions of this article, as a minimum standard. It shall be the duty and responsibility of municipal departments, officials and employees to enforce the minimum standards prescribed by the provisions of this chapter within the territorial limits of their respective municipalities.

**Miami, Florida Code of Ordinances Section 10-62**

Codes means all applicable codes, including but not limited to, National Fire Prevention Code, Florida Building Code, the Miami-Dade County Code and the City Code.

Code violations means violations of any code adopted and enforced by the city, which may include but not be limited to, the National Fire Prevention Code, Florida Building Code, the Miami-Dade County Code and the City Code.

Enforcement officer means code enforcement inspector, building inspector, or manager's designee.

**Note:** *All buildings and structures must be maintained in accordance with the Building Code in effect when the structure was built. Any requirement more stringent than the requirements in effect when the structure was constructed cannot be enforced. Any local ordinance requirement relating to a technical provision of the Florida Building Code may not be enforced unless adopted as a Local Technical Amendment pursuant to Florida Statute 553.73.*

<p><b>Sec. 17-23. Minimum standards for basic equipment and facilities.</b></p>	<p><b>City of Miami Alternative Enforcement Remedies</b></p> <p>(Note: Chapter 8 of the Code of Miami-Dade County and the Florida Building Code are applicable in both the incorporated and unincorporated areas of the County)</p>
<p>(1) Every dwelling unit shall contain not less than a kitchen sink, lavatory, tub or shower and water closet, all in good working condition and installed in accordance with the South Florida Building Code. Sink, lavatory, tub or shower shall be supplied with adequate hot and cold water.</p>	<p>Florida Building Code, Plumbing Volume or Residential Volume</p> <p>Miami, Florida Code of Ordinances – Section 10-101 (b)(2)(f) or Section 10-101 (b)(2)(h), as applicable.</p> <p>Code of Miami-Dade County – Section 8-11</p>
<p>(2) Every dwelling unit shall contain a room which affords privacy to a person within said room and which is equipped with a flush water closet and a lavatory basin in good working condition and properly</p>	<p>Florida Building Code, Plumbing Volume or Residential Volume</p> <p>Miami, Florida Code of Ordinances – Section 10-</p>

<p>connected to an approved water system and sewer system or an approved septic tank installation including an approved absorption bed. No privy shall be constructed or continued in operation after the effective date <sup>(3)</sup> of this article.</p>	<p>101 (b)(2)(f) or Section 10-101 (b)(2)(h), as applicable. Code of Miami-Dade County – Section 8-11</p>
<p>(3) Every dwelling unit shall contain a room which affords privacy to a person within said room and which is equipped with a bathtub or shower in good working condition and properly connected to an approved water system and sewer system or an approved septic tank installation including an approved absorption bed.</p>	<p>Florida Building Code, Plumbing Volume or Residential Volume Miami, Florida Code of Ordinances – Section 10-101 (b)(2)(f) or Section 10-101 (b)(2)(h), as applicable. Code of Miami-Dade County – Section 8-11</p>
<p>(4) Every kitchen sink, lavatory basin, and bathtub or shower required under the provisions of this section shall be properly connected with both hot and cold water lines.</p>	<p>Florida Building Code, Plumbing Volume or Residential Volume Miami, Florida Code of Ordinances – Section 10-101 (b)(2)(f) or Section 10-101 (b)(2)(h), as applicable. Code of Miami-Dade County – Section 8-11</p>
<p>(5) Every dwelling shall have water heating facilities which are properly installed, maintained in safe and good working condition, and properly connected with the hot water lines required under the provisions of subsection (4) of this section and which are capable of heating water to such a temperature as to permit an adequate amount of water to be drawn at every required kitchen sink, lavatory basin, bathtub or shower.</p>	<p>Florida Building Code, Plumbing Volume or Residential Volume Miami, Florida Code of Ordinances – Section 10-101 (b)(2)(f) or Section 10-101 (b)(2)(h), as applicable. Code of Miami-Dade County – Section 8-11</p>
<p>(6) Every occupied dwelling unit shall be provided with an installed non-portable cooking facility which shall not be capable of being carried easily by one (1) person, and shall have at least two (2) top burners. Vacant dwelling units shall be provided with utility connections for such facility.</p>	<p>Miami, Florida Code of Ordinances – Section 10-101(b)(2) [more than one subsection applies]. Code of Miami-Dade County – Section 8-11</p>
<p>(7) Every dwelling unit shall have adequate garbage disposal facilities or garbage storage containers.</p>	<p>Miami, Florida Code of Ordinances – Article I Section 22 Code of Miami-Dade County – Section 8-11</p>
<p>(8) Every dwelling structure and dwelling unit of types of construction I, II, III, IV</p>	

<p>and V as defined by Chapters 17, 18, 19, 20, 21 and 22 respectively of the South Florida Building Code shall have means of egress which conform to the standards of Chapter 31 of the South Florida Building Code and any applicable fire codes, fire regulations or ordinances now in existence or adopted subsequent hereto. Every dwelling structure of type of construction V, built before December 31, 1957, where the structural and other elements of the building consist primarily of wood, having one (1) or two (2) dwelling units above the ground floor, shall have a minimum of two (2) separate means of egress which are remote from each other or at least one (1) means of egress with stairs that are constructed of either noncombustible materials or made safe by approved fire resistive modifications as may be required. Each such means of egress shall be easily accessible from every dwelling unit on the specified floor without passing through any other dwelling unit. Every dwelling structure of type of construction V, where the structural and other elements consist primarily of wood having three (3) or more dwelling units shall have means of egress which conform with the provisions of the South Florida Building Code and any applicable fire codes, fire regulations or ordinances now in existence or adopted subsequent hereto.</p>	<p>Florida Building Code, Building</p> <p>Miami, Florida Code of Ordinances – Chapter 19 and Section 10-101(b)(2) [several subsections apply].</p> <p>Code of Miami-Dade County – Section 8-11</p>
<p>(9) In every owner-occupied dwelling unit not intended to be let for occupancy containing space heating facilities, such facilities shall be properly installed and maintained in safe and good working condition as provided in the South Florida Building Code and any applicable fire regulations or ordinances now in existence or adopted subsequent hereto.</p> <p>Every dwelling and dwelling unit which is let or intended to be let for occupancy shall have adequate space heating facilities which are properly installed and maintained in safe and good working condition as provided in the South Florida Building Code and any applicable fire regulations or ordinances</p>	<p>Florida Building Code</p> <p>Miami, Florida Code of Ordinances – Section 10-101</p> <p>Code of Miami-Dade County – Section 8-11</p>

<p>now in existence or adopted subsequent hereto. Adequate heating facilities are hereby defined as follows:</p>	
<p><b>Sec. 17-24. Minimum standards for light and ventilation.</b></p> <p>No person shall occupy, or let to another for occupancy, any dwelling or dwelling unit for the purpose of living, sleeping, cooking, or eating therein, which does not comply with the following requirements:</p>	
<p>(1) (a)  Every habitable room shall have at least one (1) window or skylight facing directly to the outdoors. The minimum total window area which provides light to each habitable room shall be not less than ten (10) percent of the floor area of such room. Whenever exterior walls or other light-obstructing structures are located less than three (3) feet from the window and extend above the ceiling of the room, such a window shall not be deemed to face directly to the outdoors and shall not be included in the required minimum total window area. Whenever the only window in a room is a skylight-type window located in the top of such room, the minimum total window area of such skylight shall not be less than fifteen (15) percent of the total floor area of the room. Skylights shall not be a substitute for the window requirements in sleeping rooms.</p>	<p>Florida Building Code  Miami, Florida Code of Ordinances – Section 10-101  Code of Miami-Dade County – Section 8-11</p>
<p>(2) Every habitable room shall be ventilated by openable areas equal to fifty (50) percent of the required minimum window area, as set forth in subsection (1) of this section or by equivalent mechanical ventilation as approved by the inspecting officer.</p>	<p>Florida Building Code  Miami, Florida Code of Ordinances – Section 10-101  Code of Miami-Dade County – Section 8-11</p>

<p>(3) Every bathroom, shower room and water closet compartment shall comply with the light and ventilation requirements for habitable rooms contained in subsections (1) and (2) of this section, except that no window or skylight shall be required in adequately ventilated bathrooms, shower rooms and water closet compartments equipped with an approved mechanical ventilating system which automatically becomes operational when the bathroom switch is turned on.</p>	<p>Florida Building Code Miami, Florida Code of Ordinances – Section 10-101  Code of Miami-Dade County – Section 8-11</p>
<p>(4) Every door, window or other device opening to outdoor space and used or intended to be used for ventilation shall be provided with an approved type of screen for protection against mosquitoes, flies and other insects.</p>	<p>Florida Building Code Miami, Florida Code of Ordinances – Section 10-63  Code of Miami-Dade County – Section 8-11</p>
<p>(5) Every opening beneath a dwelling, including basement or cellar windows and crawl space, shall be equipped with an approved type of screening or lattice work to keep out large animals.</p>	<p>Florida Building Code Miami, Florida Code of Ordinances – Section 10-63  Code of Miami-Dade County – Section 8-11</p>
<p>(6) Every habitable room of a dwelling shall contain at least two (2) separate floor or wall-type electrical convenience outlets, or one (1) such convenience outlet and one (1) ceiling-type electric light fixture. Every bathroom, shower room, water closet, compartment and laundry room shall contain at least one (1) properly installed ceiling or wall-type electric light fixture. The switches shall be so located and installed as to avoid the danger of electrical shock.</p>	<p>Florida Building Code Miami, Florida Code of Ordinances – Section 10-101  Code of Miami-Dade County – Section 8-11</p>
<p>(7) Every hall and stairway located in a structure used for human habitation shall be provided with not less than one (1) footcandle of natural light throughout or with properly installed electric lighting facilities which provide not less than one (1) foot-candle of illumination throughout and which are controlled by the occupants of the structure and available at all times.</p>	<p>Florida Building Code Miami, Florida Code of Ordinances – Section 10-101  Code of Miami-Dade County – Section 8-11</p>

<p><b>Sec. 17-25. Requirements relating to the safe and sanitary maintenance of dwellings and dwelling units.</b></p> <p>No person shall occupy, or let to another for occupancy, any dwelling or dwelling unit, for the purpose of living, sleeping, cooking, or eating therein, which does not comply with the following requirements:</p>	
<p>(1) All foundation walls shall be structurally sound, reasonably rodentproof, and maintained in good repair. Foundation walls shall be considered to be sound if they are capable of bearing imposed loads and are not deteriorated.</p>	<p>Florida Building Code</p> <p>Miami, Florida Code of Ordinances – Section 10-101</p> <p>Code of Miami-Dade County – Section 8-11</p>
<p>(2) Every dwelling unit shall be reasonably weathertight, watertight and rodentproof. Floors, walls, ceilings and roofs shall be capable of affording adequate shelter and privacy and shall be kept in good repair. Windows and exterior doors shall be reasonably weathertight, watertight, and rodentproof, and shall be maintained in good working condition. All parts of the structure that show evidence of rot or other deterioration shall be repaired or replaced.</p>	<p>Florida Building Code</p> <p>Miami, Florida Code of Ordinances – Section 10-101</p> <p>Code of Miami-Dade County – Section 8-11</p>
<p>(3) Every inside and outside stairway, porch, and every appurtenance thereto, shall be maintained in a safe condition and be capable of supporting loads which normal use may impose.</p>	<p>Florida Building Code</p> <p>Miami, Florida Code of Ordinances – Section 10-101</p> <p>Code of Miami-Dade County – Section 8-11</p>
<p>(4) Every chimney and smoke pipe, and all</p>	<p>Florida Building Code</p>

<p>flue and vent attachments thereto, shall be maintained in such condition that there will be no leakage or backing up of smoke and noxious gases into the dwelling.</p>	<p>Miami, Florida Code of Ordinances – Section 10-101 Code of Miami-Dade County – Section 8-11</p>
<p>(5) All exterior surfaces subject to deterioration shall be properly maintained and protected from the elements by paint or other approved protective coating applied in a workmanlike fashion.</p>	<p>Florida Building Code Miami, Florida Code of Ordinances – Section 10-101 Code of Miami-Dade County – Section 8-11</p>
<p>(6) Every plumbing fixture, water pipe, waste pipe and drain shall be maintained in good sanitary working condition, free from defects, leaks and obstructions.</p>	<p>Florida Building Code Miami, Florida Code of Ordinances – Section 10-101 Code of Miami-Dade County – Section 8-11</p>
<p>(7) The floor surface of every water closet compartment, bathroom and shower room shall be maintained so as to be reasonably impervious to water and so as to permit such floor to be easily kept in a clean and sanitary condition.</p>	<p>Florida Building Code Miami, Florida Code of Ordinances – Section 10-101 Code of Miami-Dade County – Section 8-11</p>
<p>(8) Every supplied facility, piece of equipment, or utility required in this code shall be maintained in a safe and satisfactory working condition. No owner or occupant shall cause any service, facility, equipment, or utility required in this code to be removed from or discontinued for any occupied dwelling or dwelling unit except for such temporary interruption as may be necessary while actual repairs, replacement, or alterations are in process.</p>	<p>Florida Building Code Miami, Florida Code of Ordinances – Section 10-101 Code of Miami-Dade County – Section 8-11</p>

<p><b>Sec. 17-26. Minimum space, use and location requirements.</b></p> <p>No person shall occupy, or let to another for occupancy, any dwelling or dwelling unit for the purpose of living therein, which does not comply with the following requirements:</p>	
<p>(1) Every dwelling unit shall contain a minimum gross floor area of at least one hundred fifty (150) square feet for the first occupant, one hundred (100) square feet for each of the next two (2) occupants, and at least seventy-five (75) square feet for each occupant thereafter. Floor space shall be calculated on the basis of total habitable room area.</p>	<p>Conflicts with the Florida Building Code and has not been adopted as a Local Technical Amendment.</p>
<p>(2) In every dwelling unit of two (2) or more habitable rooms, every room occupied for sleeping purposes by one (1) occupant shall have a minimum gross floor area of at least eighty (80) square feet. Every room occupied for sleeping purposes by more than one (1) occupant shall have a minimum gross floor area of fifty (50) square feet per occupant. Every room used for sleeping purposes shall have a minimum width of eight (8) feet. Kitchens shall not be used for sleeping purposes. Porches shall not be used as permanent sleeping quarters.</p>	<p>Florida Building Code</p> <p>Code of Miami-Dade County – Section 8-11</p>
<p>3) At least one-half of the floor area of every habitable room shall have a ceiling height of at least seven (7) feet. Any portion of a room having a ceiling height of less than five (5) feet shall not be considered in computing the total floor area of such room.</p>	<p>Florida Building Code</p> <p>Code of Miami-Dade County – Section 8-11</p>

<p>(4) No dwelling or dwelling unit containing two (2) or more sleeping rooms shall be so arranged that access to a bathroom, shower room, or water closet compartment intended for use by occupants of more than one (1) sleeping room can be had only by going through another sleeping room or outside the structure, nor shall room arrangements be such that access to a sleeping room can be had only by going through another sleeping room, bathroom, shower room, or water closet compartment.</p>	<p>More stringent than the Florida Building Code. A Local Technical Amendment would be required to allow enforcement.</p>
<p>(5) No cellar or basement space shall be used as a habitable room or dwelling unit.</p>	<p>Florida Building Code  Code of Miami-Dade County – Section 8-11</p>
<p><b>Sec. 17-27. Responsibilities of owners and occupants.</b></p>	
<p>(1) Every dwelling unit shall be clean, sanitary and fit for human habitation.</p>	<p>Miami, Florida Code of Ordinances – Chapter 22</p>
<p>(2) Every occupant of a dwelling or dwelling unit shall keep in a clean and sanitary condition that part of the dwelling, dwelling unit and premises thereof which he occupies and controls, including yards, lawns, courts and driveways.</p>	<p>Miami, Florida Code of Ordinances – Chapter 22</p>
<p>(3) Every owner of a building containing three (3) or more dwelling units shall be responsible for maintaining in a clean and sanitary condition the shared or public areas of the dwelling and premises thereof.</p>	<p>Miami, Florida Code of Ordinances – Chapter 22</p>
<p>(4) Exterior premises shall be kept free from the excessive growth of weeds, grass and other flora. The term "excessive"</p>	<p>Miami, Florida Code of Ordinances – Chapter 22</p>

<p>shall be interpreted as detrimental to the health, safety, or welfare of the occupants or the public.</p>	
<p>(5) Every occupant of a dwelling unit shall keep all plumbing fixtures, sanitary facilities, appliances and equipment therein in a clean and sanitary condition and shall exercise reasonable care in the proper use and operation thereof.</p>	<p>Florida Building Code, Plumbing Volume or Residential Volume</p> <p>Miami, Florida Code of Ordinances – Section 10-101 (b)(2)(f) or Section 10-101 (b)(2)(h), as applicable.</p> <p>Code of Miami-Dade County – Section 8-11</p>
<p>(6) Every occupant of a dwelling or dwelling unit shall dispose of rubbish, garbage and other waste materials in an approved sanitary manner. Garbage shall be placed in the garbage disposal facilities of storage containers required in Section 17-23(7).</p>	<p>Miami, Florida Code of Ordinances – Chapter 22</p>
<p>(7) Every occupant of a dwelling containing a single dwelling unit shall be responsible for the extermination of any insects, rodents, vermin, or other pests therein or on the premises. Every occupant of a dwelling unit in a building containing more than one (1) dwelling unit shall be responsible for such extermination whenever his dwelling unit is the only one (1) infested, except that whenever such infestation is caused by the failure of the owner to carry out the provisions of this article, extermination shall be the responsibility of the owner.</p>	<p>The State Department of Health enforces FS 386 (the state may not be actively enforcing due to lack of resources)</p>
<p>(8) Every owner of a dwelling or dwelling unit shall, before renting or sub-letting to another occupant, provide approved door and window screens whenever such screens are required under the provisions of this article and shall repair or replace them when necessary.</p>	
<p>(9) Every owner of a dwelling shall grade and maintain the exterior premises so as to prevent the accumulation of stagnant water thereon.</p>	<p>Miami, Florida Code of Ordinances – Chapter 22</p>

<p>(10) Animals and pets shall not be kept in any dwelling or dwelling unit or on any premises in such a manner as to create insanitary conditions or constitute a nuisance.</p>	<p>Miami, Florida Code of Ordinances – Chapter 6</p>
<p>(11) Every owner of a building containing three (3) or more dwelling units shall provide the continuing services of a person or persons solely to assure that the minimum requirements of maintenance and sanitation, as provided by this article, are maintained on the premises at all times. The landlord shall provide the tenant with the name, address, and phone number of the person or persons providing the continuing service. Said notice shall be given to the tenant by either posting the notice in a conspicuous place at the building site or by supplying the tenant with the information at the inception of the lease. The landlord is further charged with informing the tenant of any change of name, address, or phone number of the person or persons providing the continuing service.</p>	
<p><b>Sec. 17-28. Maintenance of non-dwelling structures and fences.</b></p> <p>Every accessory structure used for non-dwelling purposes such as a garage, car port, cabana, storage building, etc., and every fence shall comply with the following requirements:</p>	
<p>(1) Every foundation, exterior and interior wall, roof, floor, ceiling, window and exterior door shall be structurally sound and maintained in good repair.</p>	<p>Florida Building Code</p> <p>Miami, Florida Code of Ordinances – Section 10-101 and 10-63</p> <p>Code of Miami-Dade County – Section 8-11</p>
<p>(2) Every accessory structure shall be kept in a reasonably clean and sanitary condition free from rodents, insects, and vermin.</p>	<p>Florida Building Code</p> <p>Miami, Florida Code of Ordinances – Section 10-101 and 10-63</p> <p>Code of Miami-Dade County – Section 8-11</p>
<p>(3) The roof of every accessory structure shall be well drained of rain water.</p>	<p>Florida Building Code</p>

	<p>Miami, Florida Code of Ordinances – Section 10-101 and 10-63</p> <p>Code of Miami-Dade County – Section 8-11</p>
<p>(4) All exterior surfaces subject to deterioration shall be properly maintained and protected from the elements by paint or other approved protective coating, applied in a workmanlike fashion.</p>	<p>Florida Building Code</p> <p>Miami, Florida Code of Ordinances – Section 10-101 and 10-63</p> <p>Code of Miami-Dade County – Section 8-11</p>
<p>(5) Every plumbing fixture, water pipe, waste pipe and drain shall be maintained in good sanitary working condition, free from defects, leaks and obstructions.</p>	<p>Florida Building Code</p> <p>Miami, Florida Code of Ordinances – Section 10-101 and 10-63</p> <p>Code of Miami-Dade County – Section 8-11</p>



Department of Permitting, Environment & Regulatory Affairs  
Executive Offices  
11805 S.W. 26 Street (Coral Way), Room 209  
Miami, Florida 33175-2474  
Office: (786) 315-2332 / Fax: (786) 315-2929

miamidade.gov

April 18, 2012

Mr. Johnny Martinez, P.E.  
City Manager, City of Miami  
444 S.W. 2<sup>nd</sup> Ave.  
Miami, Florida 33130

Re: Minimum Housing

Dear Mr. Martinez:

This correspondence is provided in response to your e-mail of March 15, 2012 regarding possible violation of minimum housing standards at 1420 NW 3 Street Miami, Florida.

Extraordinary budgetary and fiscal challenges coupled with recent department mergers and consolidation of duties and responsibilities necessitated the rational allocation of general fund subsidies. As a result of this fiscal environment, a lack of targeted resources has curtailed the County's ability to provide services as authorized by Chapter 17 Article III of the Code of Miami-Dade County.

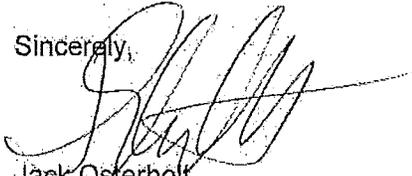
The existence of a regulatory authorization must be balanced by the means and suitable resources to implement such functions. The unavoidable reassessment of the minimum housing standard regulations led to the streamlining of enforcement in order to maximize efficiency within the limited staff available. In reviewing the prohibited conditions contained in the Minimum Housing Standard, including: Inadequate provision for light and air, insufficient protection against fire hazards, lack of proper ventilation for heating and cooling, insanitary conditions, prevention of blight and decay, and the safeguarding of public health, safety, and welfare, clear synergistic solutions emerged. Specifically, it became apparent that duplicative enforcement remedies such as, fire, zoning, unsafe structures, countywide building code ordinances and the Florida Building Code (FBC) may be utilized to avoid compromising municipal functions. The consistent enforcement provided by these agencies creates an overlapping effort encompassing the basic principles contained in the Minimum Housing Standard. Further, places renting more than four units are under the jurisdiction of and may be referred to the State of Florida Division of Hotels and Restaurants as defined in Florida Statute 509.

Minimum housing violations within the City of Miami reported to 311 are currently being referred to the City of Miami Code Enforcement Section to pursue other available enforcement avenues, as explained above. The County's size of the Minimum Housing Standard enforcement effort is limited by and subject to present budgetary restraints as noted in Chapter 17 Article III Section 17-47. Such limitation does not prevent a municipality from utilizing staff duly authorized inspectors and code enforcement officers to enforce provisions of the countywide minimum housing standards contained in Chapter 17 Article II of the Code of Miami-Dade County and all other applicable laws, codes and ordinances.

Johnny Martinez, P.E.  
Minimum Housing  
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The information detailed above regarding the delegation and referral of minimum housing regulations to the City of Miami was relayed to City officials during discussions which took place January through March 2011.

Sincerely,



Jack Osterholt  
Deputy Mayor/Director

c: Charles Danger, P.E., Building Official  
Department of Permitting, Environment and Regulatory Affairs