

MEMORANDUM

Agenda Item No. 7(I)

TO: Honorable Chairman Jose "Pepe" Diaz
and Members, Board of County Commissioners

DATE: February 1, 2022

FROM: Geri Bonzon-Keenan
County Attorney

SUBJECT: Ordinance relating to unsafe structures; amending section 8-5 of the Code; providing that municipal building officials must notify the County's Office of Emergency Management of orders issued under the emergency actions provisions of the County's unsafe structures code

Ordinance No. 22-19

This item was amended from the original item as stated in the County Mayor's memorandum.

The accompanying ordinance was prepared by the Regulatory and Economic Resources Department and placed on the agenda at the request of Co-Prime Sponsors Chairman Jose "Pepe" Diaz and Commissioner Sally A. Heyman.



Geri Bonzon-Keenan
County Attorney

GBK/jp

Memorandum



Date: February 1, 2022

To: Honorable Chairman Jose “Pepe” Diaz
and Members, Board of County Commissioners

From: Daniella Levine Cava
Mayor

A handwritten signature in blue ink that reads "Daniella Levine Cava".

Subject: Ordinance Requiring that Building Officials Notify the Office of Emergency Management when Residential Displacements Occur due to the Vacation of a Structure

The ordinance was amended at the January 12, 2022 Health, Emergency Management and Intergovernmental Affairs Committee to delete language on Section 2, Handwritten pages 8 and 9 to strike the obligation of the building officials to notify the County’s Office of Emergency Management of the number of displaced residents and replace it with an obligation to notify the County’s Office of Emergency Management of the number of floors and units in the structure affected by the building official’s emergency actions.

Recommendation

It is recommended that the Board of County Commissioners (Board) adopt the attached ordinance modifying Sections 8-5(a) and (f) of the Code of Miami-Dade County to require that any Building Official exercising the emergency authority to vacate a residential structure must also immediately notify the County’s Office of Emergency Management.

Scope

This ordinance is of countywide impact and will apply to Building Officials throughout Miami-Dade, including any municipality that may have adopted its own administrative procedures to address Unsafe Structures pursuant to Section 8-5(a) of the Code.

Delegation of Authority

There is no delegation of authority associated with this item.

Fiscal Impact/Funding Source

The requirement to notify the Office of Emergency Management is not anticipated to create any significant new fiscal impact.

Track Record/Monitor

The Boards and Code Division of the Department of Regulatory and Economic Resources will be responsible for dissemination of this ordinance to building jurisdictions countywide and individual building jurisdictions will be responsible for its implementation into the future.

Background

The collapse of the Champlain South Tower has brought a renewed attention to building safety. Many building jurisdictions countywide initiated reviews of structures in light of the tragedy and were contacted by concerned citizens seeking assurance that their buildings were safe. In a few instances, building jurisdictions have found themselves needing to vacate residential structures while engineering reports and other building assessments and repairs are completed in order to assure structural integrity.

We have seen the impact of these displacements in our community in recent months. While these actions are necessary to safeguard the health and welfare of the citizenry, some residents have no

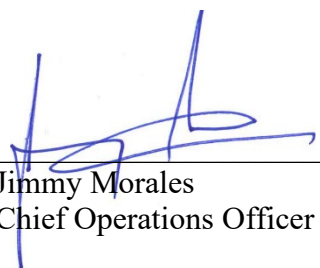
alternative for shelter while remedial actions are undertaken on these structures. The County has extended assistance to building jurisdictions countywide by offering the informal coordination of first responder and human services assistance for these displaced residents through agencies such as the Miami-Dade Police Department, Miami-Dade Fire Rescue, the Homeless Trust and the Red Cross. However, coordination of comprehensive services would be optimized if they were centralized through the Office of Emergency Management.

Section 8B-1 of the Code of Miami-Dade County provides that the Office of Emergency Management shall provide for the effective direction, control and coordination of Miami-Dade County government disaster management services, functional units, and personnel, and provide collaboration with other governments and the private sector. This Office is therefore structured to handle interagency coordination and is well positioned to effectively liaise between building jurisdictions, police and fire rescue services, and human service agencies countywide that may be best positioned to assist residents experiencing these temporary displacements.

Section 8-5 (f) of the Code of Miami-Dade County provides Building Officials countywide with the authority to initiate emergency actions within their jurisdiction when 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. This action also includes the authority to order occupants to vacate said building or structure. The attached ordinance would add the requirement that whenever the Building Official exercises the authority vested under this section, and that action causes the displacement of residents from their homes, the Building Official shall also provide immediate notice of these actions to the County’s Office of Emergency Management.

Social Equity

The addition of this requirement is anticipated to benefit residents affected by displacements. Notice to the Office of Emergency Management will result in the provision of more coordinated and complete human services to displaced residents, in addition to assisting in the deployment of any necessary first-responder services throughout Miami-Dade.



Jimmy Morales
Chief Operations Officer



MEMORANDUM

(Revised)

TO: Honorable Chairman Jose "Pepe" Diaz
and Members, Board of County Commissioners

DATE: February 1, 2022

FROM: 
Gen Bonzon-Keenan
County Attorney

SUBJECT: Agenda Item No. 7(I)

Please note any items checked.

- ☐ "3-Day Rule" for committees applicable if raised
- ☒ 6 weeks required between first reading and public hearing
- ☒ 4 weeks notification to municipal officials required prior to public hearing
- ☐ Decreases revenues or increases expenditures without balancing budget
- ☐ Budget required
- ☐ Statement of fiscal impact required
- ☐ Statement of social equity required
- ☐ Ordinance creating a new board requires detailed County Mayor's report for public hearing
- ☐ No committee review
- ☐ Applicable legislation requires more than a majority vote (i.e., 2/3's present ____, 2/3 membership ____, 3/5's ____, unanimous ____, CDMP 7 vote requirement per 2-116.1(3)(h) or (4)(c) ____, CDMP 2/3 vote requirement per 2-116.1(3)(h) or (4)(c) ____, or CDMP 9 vote requirement per 2-116.1(4)(c)(2) ____ to approve
- ☐ Current information regarding funding source, index code and available balance, and available capacity (if debt is contemplated) required

Approved _____ Mayor
Veto _____
Override _____

Agenda Item No. 7(I)
2-1-22

ORDINANCE NO. _____ 22-19

ORDINANCE RELATING TO UNSAFE STRUCTURES;
AMENDING SECTION 8-5 OF THE CODE OF MIAMI-DADE
COUNTY, FLORIDA; PROVIDING THAT MUNICIPAL
BUILDING OFFICIALS MUST NOTIFY THE COUNTY'S
OFFICE OF EMERGENCY MANAGEMENT OF ORDERS
ISSUED UNDER THE EMERGENCY ACTIONS PROVISIONS
OF THE COUNTY'S UNSAFE STRUCTURES CODE; AND
PROVIDING SEVERABILITY, INCLUSION IN THE CODE,
AND AN EFFECTIVE DATE

WHEREAS, section 8-5(f) of the Code of Miami-Dade County (the "Code") provides Building Officials countywide with the authority to initiate emergency actions within their jurisdiction when 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; and

WHEREAS, section 8-5(f) further provides that Building Officials may order occupants to vacate said building or structure; and

WHEREAS, section 8-5(f) also provides Building Officials the authority to temporarily close for use or occupancy adjacent rights-of-way, sidewalks, streets or buildings or nearby areas and institute such other temporary safeguards, including securing the building or structure, as is necessary under the circumstances; and

WHEREAS, these actions, while necessary to safeguard the health and welfare of the citizenry, also cause the displacement of residents from their homes who may have no other alternative for shelter while remedial actions are undertaken on these structures; and

WHEREAS, section 8B-1 of the Code provides that the Office of Emergency Management shall provide for the effective direction, control and coordination of Miami-Dade County government disaster management services, functional units, and personnel, and provide collaboration with other governments and the private sector; and

WHEREAS, the Office of Emergency Management is therefore tasked with handling interagency coordination, and is well-positioned to effectively liaise between building jurisdictions, police and fire rescue services, and human service agencies countywide to assist residents experiencing these temporary displacements,

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA:

Section 1. The foregoing recitals are incorporated herein and are approved.

Section 2. Section 8-5 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:¹

Sec. 8-5 Unsafe Structures

(a) General.

- (1) The Unsafe Structures Board and Unsafe Structures Appeal Panels are created to exercise in Miami-Dade County and within those municipalities as provided for hereafter the powers and duties granted by this Section. The Board shall have jurisdiction in both the incorporated and unincorporated areas of Miami-Dade County with respect to its powers, duties and functions. The Appeal Panels shall have jurisdiction in the unincorporated areas of Miami-Dade County and within the municipalities as provided for hereafter with respect to their powers,

¹ Words stricken through and/or [[double bracketed]] shall be deleted. Words underscored and/or >>double arrowed<< constitute the amendment proposed. Remaining provisions are now in effect and remain unchanged.

duties and functions. The Board shall be entrusted with hearing appeals of decisions of Building Officials declaring any structures located on properties within the municipalities and those structures located on properties in the unincorporated area of the County which are not within the jurisdiction of the Unsafe Structures Appeal Panels as described below to be unsafe where there is a danger to the health and safety of the citizens, all in the manner prescribed in this Section. Unsafe Structures Appeal Panels shall hear appeals of decisions of the Miami-Dade County Building Official declaring single-family and duplex residences and their accessory structures on the same property as the principal building and accessory structures on vacant land to be unsafe where there is a danger to the health and safety of the citizens, all in the manner prescribed in this Section. Unsafe Structures Appeal Panels may hear appeals of decisions of Building Officials of the municipalities in this County declaring single-family and duplex residences and their accessory structures on the same property as the principal building and accessory structures on vacant land to be unsafe where there is a danger to the health and safety of the citizens, all in the manner prescribed in this Section, when the municipality elects to have such appeals heard by the Appeal Panels rather than the Board. Notwithstanding the provisions of this Section, a municipality may establish by ordinance its own administrative process to address unsafe structures within municipal boundaries, including a process for appeal of decisions of the Building Official that structures are unsafe. Following adoption of such ordinance, the municipality shall be solely responsible for the conduct of its own process and appeals, and for the enforcement of the laws governing unsafe structures within its jurisdiction. A municipality adopting such ordinance shall also be authorized to establish its own standards for declaring a structure to be unsafe, and for the repair or demolition of an unsafe structure, all consistent with the provisions of the Florida Building Code. If such structure has been designated historic and is under the County's

historic preservation jurisdiction, demolition procedures shall still abide by the process as set out in the Miami-Dade County's historic preservation ordinance as found in Chapter 15A. >>It is the obligation of the Building Official, as set forth in subsection (f) below, to provide immediate notice of any actions taken which cause the displacement of residents to the County's Office of Emergency Management. This obligation applies to Building Officials in both the incorporated and unincorporated areas of Miami-Dade County, including a Building Official of a municipality that has adopted, by ordinance, its own administrative process to address unsafe structures within its municipal boundaries.<<

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(f) *Emergency Actions.*

When in the opinion of the Building Official, 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 may order 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 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 Building Official to redress the emergency situation. 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. >>Whenever the Building Official exercises the authority vested under this section, and

that action causes the displacement of residents from their homes, the Building Official shall provide immediate notice of the actions taken and the<<>>affected number of floors and units in the structure<<² ~~[[number of displaced residents]]~~ >>to the County's Office of Emergency Management.<<

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Section 3. If any section, subsection, sentence, clause or provision of this ordinance is held invalid, the remainder of this ordinance shall not be affected by such invalidity.

Section 4. It is the intention of the Board of County Commissioners, and it is hereby ordained that the provisions of this ordinance, including any sunset provision, shall become and be made a part of the Code of Miami-Dade County, Florida. 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 5. This ordinance shall become effective ten (10) days after the date of enactment unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

PASSED AND ADOPTED:

February 1, 2022

Approved by County Attorney as to form and legal sufficiency:




Prepared by:

Eduardo W. Gonzalez

² Committee amendments are indicated as follows: Words double stricken through and/or [[double bracketed]] are deleted, words double underlined and/or >>double arrowed<< are added.