

**CITY OF MIAMI, FLORIDA
ORDER OF THE UNSAFE STRUCTURE PANEL**

**GENERAL ADMINISTRATIVE ORDER
23-01**

WHEREAS, the Unsafe Structure Panel ("Panel"), having been apprised by its Counsel and Counsel for the City of Miami, Florida of a recent surge in requests for hearing dates regarding current Panel orders that were breach by property owners; and

WHEREAS, the Panel is a quasi-judicial body authorized under Section 10-101 of the City Code of Ordinances (the "City Code"); and

WHEREAS, the Unsafe Structures Panel protects the health, safety, and welfare of citizens in the community by ensuring that all construction preformed in the City is completed in accordance with the Florida Building Code and ensuring that existing buildings are recertified in accordance with subsection 8-11(f) of the Miami-Dade County Code of Ordinances; and

WHEREAS, the Panel issues quasi-judicial orders that require property owners to correct unsafe structures violations by submitting recertification reports, obtaining building permits, and completing repairs within certain timeframes to comply the building code violations; and

WHEREAS, properties found in violation are issued orders by this Panel and such orders, if not requiring immediate demolition, may provide for a three (3) tiered timeline for compliance; and

WHEREAS, the first phase requires the property owner to submit plans to the Unsafe Structure Division ("Unsafe") that meet the basic scope of work necessary to comply the pending violation as it is known; and

WHEREAS, until Unsafe staff determines the plans submitted meet that scope, no plans may be uploaded into the City's iBuild permit processing program for approvals; and

WHEREAS, until the Unsafe hold is removed by staff approval that plans meet a basic scope of work and are allowed to be uploaded into iBuild, a property owner is not deemed to have complied with the first phase; and

WHEREAS, the second phase requires the plans to be fully approved in iBuild as well as the permit issued, including payment of permitting fee; and

WHEREAS, phase two is not complete until both of the above criteria are met; and

WHEREAS, phase three requires all work and inspections to be completed, the final fees, including any Unsafe fees paid in full, and the permit ~~to be~~ is finalized in iBuild; and

WHEREAS, phase three is not complied until all the above criteria has been met; and

WHEREAS, until all three phases are completed, a property owner is not in compliance with our Panel order; and

WHEREAS, should a property owner need to extend any one ordered phase deadline, they may do so prior to the expiration of that deadline pursuant to Section 10-101(m) of the City Code, unless the Panel order provides otherwise; and

WHEREAS, the City has provided an email address for simplicity in requesting an extension of time at unsafehearingrequest@miamigov.com; and

WHEREAS, prior to every Panel hearing, the attorney for the City announces on at least two occasion the meaning of the three phased process and how to request extensions of time as well as Unsafe staff distributes a leaflet in Creole, English and Spanish to all attendees explaining how to request extensions of time, how to submit plans along with other useful information; and

WHEREAS, even though the Panel orders are clear and the City had provide the information orally and in writing, property owners still fail to timely request extensions of time; and

WHEREAS, the Panel understands that for many property owners, the process can be daunting; and

WHEREAS, as of April 15, 2022, the Panel approved orders that may provide for breach hearings for those property owners who failed to timely request an extension of time or who were otherwise in breach of the Panel order; and

WHEREAS, the Panel defines a breach of its orders when the property owner fails to request a timely extension of time, fails to do some act specifically ordered in the Panel order, such as provide an engineer report or secure the structure; and

WHEREAS, because the Panel is aware of the approximate three-to-four-month period between requests for a breach hearing to the Unsafe Clerk and the scheduled hearing date, some property owners who are otherwise compliant are not able to continue with the permitting process; and

WHEREAS, the City, with full approval of the Panel, places all property folios in breach of a Panel order on hold and does not process further or review plans or issue permits until a breach hearing occurs and this Panel finds good cause for the breach and allows for further time to comply; and

WHEREAS, due to the number of Orders in breach, this General Administrative Order seeks to address the issue; and

WHEREAS, at a breach of Panel order hearing, the Panel can find good cause for the breach and allow continued repair work rather than require demolition of the property structure; and

WHEREAS, to allow a property to continue the permitting process as if they were compliant owners or as those who properly requested extensions of time, demands a higher standard of action to have already been taken by the property owner; and

WHEREAS, this Administrative Order only applies to Panel orders issued after April 15, 2022 which contains language allowing for a breach hearing or Panel orders which contain enforcement language for breach that the City may demolish the structure after further hearing before the Panel; and

WHEREAS, this Administrative Order does apply to any Panel order that has ordered demolition with no option for repair and/or provided no further extensions of time are allowed, and

WHEREAS, this Administrative Order may not be used to construe any additional obligations upon the City of Miami, Florida; and

WHEREAS, any property owner who is in breach of a Panel order and qualifies under this General Administrative Order to continue processing their plans until the breach hearing does so at their own risk; and

WHEREAS, this risk may include, but is not limited to, loss of money expended, denial of property owner's request for more time, and/or the ordered demolition of the structure that is undergoing repair; and


WHEREAS, the permitting process itself is governed by the Florida Building Code and any permit processed is a license, not an absolute right (Section 105.4, FBC); and

WHEREAS, no property that is allowed to continue permitting under this General Administrative Order may finalize their permit without first having come to the Panel to account for their breach of its order and being found to have breached for good cause; and

WHEREAS, after careful consideration and input, the Panel determines that the following criteria must be met in order for a property owner to continue to process plans while in breach of a Panel order:

1. The property shall be able to be in phase two or three of the Panel order, no plans processing shall be allowed to continue while in breach of a Panel order that does not have a BD number issued through the City's iBuild system; and
2. The iBuild process number or permit number may not be cancelled, revoked, or expired, and have plans or permits placed on hold due to the breach of the Panel order that are acceptable; and
3. The property owner has requested a breach hearing, and the Unsafe Clerk has provided a date for breach hearing that is more than three (3) months from the date of the request for hearing; and
4. The property owner has not previously breached a Panel order for the case and property at issue; and
5. The Panel has not ordered the property demolished, and the property owner is attempting to seek to repair the property structure; and
6. Only Panel orders which have language that allows for a breach hearing shall be considered.

THIS GENERAL ADMINISTRATIVE ORDER was adopted, after hearing, at a meeting of the Unsafe Structure Panel on [DATE] by motion and passed by majority vote.

 [DATE] *Oct-6-2023*
Panel Chair [PRINTED NAME]

[CITY SEAL]

This is to certify that this is a true and correct copy, which has been officially filed and rendered on the above date in the records of the City of Miami, Florida.

This General Administrative Order shall be posted on the City of Miami website in the Unsafe Structure Division tab.