

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

GENERAL ADMINISTRATIVE ORDER

23-02

**“Waiver and Agreement on New Deadlines for Compliance Phases for Extension of
Time Hearings”**

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 of timely extension of times of current Panel Orders; 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, per the Panel, 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, the approval that the plans meet the basic scope of work 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 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, because the Panel is aware of the number of timely requests being processed and to efficiently run its hearings, the Panel will allow the property owner and City to make an agreed recommendation as to a new set deadlines for the remaining compliance phases; and

WHEREAS, the Panel would like to allow property owners, who already have an iBuild process number for their plans, requesting a first extension of time and the City to agree in advance to a reasonable time for new compliance deadlines for the remaining phases; and

WHEREAS, the Panel believes that the property owner shall be required to execute a waiver eliminating the necessity of full hearing on their request for extension of time which will specifically state the new deadlines and the property owner will still be required to appear at hearing to acknowledge its agreement to the City's recommendation for new deadlines; and

WHEREAS, if the property owner and City cannot agree on new compliance deadlines, then the extension of time will be provided their full hearing in the normal course and manner; and

WHEREAS, the Panel reserves the right to reject or deny the agreement and waiver and require a full hearing on the request for extension of time; 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

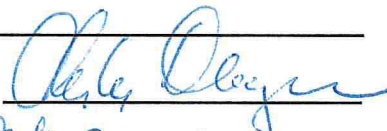
WHEREAS, the permitting process itself is governed by the Florida Building Code and any permit processed is a license, not an absolute right (Section 105.4, FBC); and

WHEREAS, after careful consideration and input, the Panel determines that the following criteria must be met in order for a property owner to consent to the City's recommendation for additional time:

1. The property shall 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, or otherwise have a hold; and
3. The property owner has not previously breached a Panel order for the case and property at issue; and
4. The Panel has not ordered the property demolished, and the property owner is attempting to seek to repair the property structure; and

5. Only Panel orders which have language that allow for an extension of time shall be considered; and
6. The property owner shall effectuate a waiver agreeing to use this process and their agreement with the new phase compliance deadlines.

THIS GENERAL ADMINISTRATIVE ORDER was adopted, after hearing, at a meeting of the Unsafe Structure Panel on October 27, 2023 by motion and passed by majority vote.

Panel Chair 
Date Oct-27-2023

[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

Copy of Order provided to via Certified US Mail and Posting:

Known Interested Parties