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OFFICE OF THE CITY MANAGER

NO. LTC# 397-2016

LETTER TO COMMISSION

TO: Mayor Philip Levine and Members of the City Commission

FROM: Jimmy L. Morales, City Manager

DATE: September 27, 2016

SUBJECT: **LETTER TO CONDOMINIUM ASSOCIATION MANAGERS REQUESTING ASSISTANCE IN CMB BUILDING DEPARTMENT'S INITIATIVE IN ENDING ILLEGAL CONSTRUCTION IN CONDOMINIUMS CITYWIDE.**

This Letter to Commission (LTC) is to notify the City Commission that the Building Department is beginning an initiative to curtail illegal construction occurring in condominiums throughout the City. There has been an increase in litigation resulting from unpermitted and uninspected unit remodeling. These violations of the Florida Building Code may not only incur fees for the condominium owners but may also present life safety issues that may span beyond the individual unit in violation. The Building Department is requesting that condominium associations require a copy of the permit from the contractor before they start construction to support our efforts.

Commencing in October 2016, the City of Miami Beach Building Department along with the State of Florida Department of Business and Professional Regulation (DBPR) will further increase its efforts to enforce these violations of the Florida Building Code, citywide. Unscheduled inspections as well as special weekend site visits will be utilized to enforce and deter infractions related to illegal construction. Please find attached the letter that is being mailed out to condominium associations throughout the City. Please feel free to reach out to the Building Department's Administrative team should you have any questions concerning these efforts.

C: JLM/SMT/MVF

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September 26, 2016

I am writing to Presidents and Association Managers to request your help in controlling illegal construction activity in condominiums.

During the last three years, the City of Miami Beach has received a multitude of complaints of illegal construction in condominium buildings. As reported by the State of Florida Department of Business and Professional Regulation (DBPR), there is a citywide problem with illegal unpermitted construction. Litigation between adjacent units is escalating, and most of it is related to damages resulting from construction activities as well as unpermitted and uninspected unit remodeling.

Non-licensed contractors and condominium maintenance workers are not authorized to perform any work that requires a permit. They must be licensed and insured and apply for a building construction permit. Licensed contractors are also required to apply and obtain a building construction permit prior to commencing any construction activity.

Unpermitted and completed construction without inspection is a violation of the Florida Building Code and may present life safety issues and additional monetary problems to the condominium owners. In addition, this may carry fines (\$500.00) and penalties to the condominium association that may result in the revocation of the Certificate of Occupancy and disconnection of electricity.

FBC SECTION 105 PERMITS

105.1 Required.

Any owner or authorized agent who intends to construct, enlarge, alter, repair, move, demolish, or change the occupancy of a building or structure, or to erect, install, enlarge, alter, repair, remove, convert or replace any impact resistant coverings, electrical, gas, mechanical or plumbing system, the installation of which is regulated by this code, or to cause any such work to be done, shall first make application to the building official and obtain the required permit.

105.2.1 Emergency repairs.

Where equipment replacements and repairs must be performed in an emergency situation, the permit application shall be submitted within the next working business day to the building official.

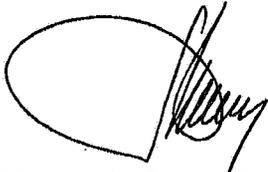
105.2.2 Minor Repairs.

Ordinary minor repairs may be made with the approval of the building official without a permit, provided the repairs do not include the cutting away of any wall, partition or portion thereof, the removal or cutting of any structural beam or load-bearing support, or the removal or change of any required means of egress, or rearrangement of parts of a structure affecting the egress requirements; additionally, ordinary minor repairs shall not include addition to, alteration of, replacement or relocation of any standpipe, water supply, sewer, drainage, drain leader, gas, soil, waste, vent or similar piping, electric wiring systems or mechanical equipment or other work affecting public health or general safety, and such repairs shall not violate any of the provisions of the technical codes.

Most condominium associations require that non-resident personnel be authorized or sign-in prior to entering the building. We would like to ask your cooperation by requiring construction personnel to present a copy of the construction building permit to your association before construction begins in a unit.

Commencing October 2016, the City of Miami Beach Building Department will strongly monitor unpermitted construction with random visits and weekend inspections of properties.

Thank you in advance for your cooperation,

A handwritten signature in black ink, appearing to read 'Mariano V. Fernandez', written over a large, stylized oval shape.

Mariano V. Fernandez, P.E.
Director/Building Official