

# MIAMI BEACH

## COMMISSION MEMORANDUM

TO: Honorable Mayor and Members of the City Commission

FROM: City Attorney Ricardo J. Dopico

DATE: November 20, 2024 First Reading

TITLE: AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING CHAPTER 58 OF THE MIAMI BEACH CITY CODE, ENTITLED "HOUSING," BY AMENDING ARTICLE I, ENTITLED "IN GENERAL," BY CREATING SECTION 58-2, THEREOF, TO BE ENTITLED "FAIR APPROVAL PROCESS" REQUIRING CONDOMINIUM ASSOCIATIONS TO APPROVE OR DISAPPROVE AN APPLICATION FROM A POTENTIAL RESIDENT WITHIN FIFTEEN (15) BUSINESS DAYS; AND PROVIDING FOR REPEALER, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.

### **RECOMMENDATION**

### **BACKGROUND/HISTORY**

### **ANALYSIS**

The attached ordinance is presented on first reading by the sponsor, Vice Mayor Alex J. Fernandez, for the consideration of the Mayor and City Commission.

Condominium associations often require an application, an application fee, and an interview before approving a potential resident to live in the condominium.

The sponsor believes that unreasonably long delays between application and acceptance or denial of the potential resident have the potential to disrupt an already fragile and difficult housing market for potential residents.

If enacted by the Mayor and City Commission, the proposed ordinance would impose a fifteen (15) business day limit between application and denial or acceptance of a potential condominium resident in order to ensure reasonable access to housing within the City of Miami Beach.

The proposed ordinance would be enforced by the City's code compliance department with fines of \$1,000 per day for a first violation and for a second and/or subsequent violation, \$5,000 per day per violation.

### **FISCAL IMPACT STATEMENT**

N/A

**Does this Ordinance require a Business Impact Estimate?** No

(FOR ORDINANCES ONLY)

If applicable, the Business Impact Estimate (BIE) was published on:

See BIE at: <https://www.miamibeachfl.gov/city-hall/city-clerk/meeting-notices/>

## **FINANCIAL INFORMATION**

## **CONCLUSION**

### **Applicable Area**

Citywide

**Is this a "Residents Right to Know" item,  
pursuant to City Code Section 2-17?**

No

**Is this item related to a G.O. Bond  
Project?**

No

**Was this Agenda Item initially requested by a lobbyist which, as defined in Code Sec. 2-481,  
includes a principal engaged in lobbying?** No

If so, specify the name of lobbyist(s) and principal(s):

### **Department**

City Attorney

### **Sponsor(s)**

Commissioner Alex Fernandez

### **Co-sponsor(s)**

### **Condensed Title**

1<sup>st</sup> Rdg, Fair Approval Process for Condo Approvals. (Fernandez) CA