



# MIAMI BEACH

OFFICE OF THE CITY MANAGER

NO. LTC # 024-2008

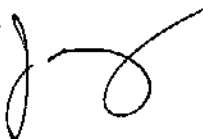
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CITY CLERK'S OFFICE

## LETTER TO COMMISSION

TO: Mayor Matti H. Bower and Members of the City Commission

FROM: Jorge M. Gonzalez, City Manager 

DATE: January 22, 2008

SUBJECT: Update on Building Department Program to Notify Property Owners of Expired Permits

In 2006, the City Commission, at the recommendation of Commissioner Jerry Libbin, adopted a policy of notification to property owners in the City who have expired Building Permits. This policy has been in place for approximately two (2) years and it is appropriate to provide an update on how this policy is progressing.

The issue arose due to a policy put into place by the Building Department that required contractors to close out expired permits before they would be allowed to pull new permits. A similar policy also applied to property owners who were being required to address expired permits on their property when initiating the process for new construction and/or renovations. In both instances, and in a significant number of instances, the property owner involved was not the property owner who incurred the expired permits.

The City received a number of complaints from affected residents, many of whom were not aware that their respective property had expired building permits. In some instances, these owners became aware of this situation by being contacted by the contractor who had performed work for a previous owner who now had to arrange for inspection of the work with the new property owner. In other instances, the owner became aware of the expired permits when they went to apply for permits for new work. In some situations, permits had expired for work which the present owner had contracted for and had thought the contractor had closed out, only to be advised differently when they came for permits for new work.

Based on these situations, and other similar experiences, the City Commission expressed a desire for the Building Department to provide written notification of expired permits under several circumstances. These are as follows:

1. A written notice is sent 30 days prior to the expiration of a building permit to both the contractor and the property owner.
2. A written notice is sent upon expiration of a building permit to both the contractor and the property owner.
3. A written notice is sent to all owners with expired building permit(s) annually.

This policy commenced in 2006 for all three instances noted above. For operational reasons, with respect to the annual notices only, staff divided the City in three sections, (North, Middle, and South).

In 2006, the annual letters were drafted, and the mail-out process was initiated. During this process, the Building Department identified that upon completion the mailing would encompass approximately 50,000 expired permits (EP) notifications. As one of his first projects as newly-appointed Building Official, Tom Velazquez initiated a review of the EP types, and this review identified that a great number of the EP were very minor permits such as floor tiles, painting, sinks and toilets replacements, shower enclosures, etc. In addition, the review concluded that many EP were at least ten years old, and in many cases, the property had changed owners.

In order to more effectively reach owners and resolve as many EP as possible, a decision was made at that point to suspend the annual notification process in order to explore solutions that would reduce number of required notifications, and in turn, reduce the inconvenience to Building Department customers.

On a case by case basis, amnesty was extended under the Building Official's discretion for those permits that did not present any life safety concerns, were very minor in nature and/or were too old to properly notify the responsible party. To further facilitate the process, the administrative policy restricting the issuance of new building permits was relaxed in order to address the Commission's concerns.

In addition, the Building Department continued to send courtesy notices to both the contractor and the property owner 30-days prior to permit expiration as well as a written notification upon expiration (copies attached).

Furthermore, Building Department staff has been working with the IT Department to review and rectify issues with the existing database. Staff anticipates completing this process over the next three (3) to four (4) months, and at that point, the Building Department will once again begin the mailing of annual courtesy notices for expired permits. At present, the number of expired permits has been reduced to 26,400 from the initial list of 50,000.

Please feel free to contact me if you have specific questions or concerns regarding this process.

#### Attachments

C: Executive Staff  
Tom Velazquez, Building Director

JMG/~~TV~~cg

# City of Miami Beach

## BUILDING DEPARTMENT

1700 Convention Center Drive, 2nd Floor  
Miami Beach, Florida 33139

Fax: (305) 673-7857  
Phone: (305) 673-7610

Wednesday, October 31, 2007

Expiration Date:

10/15/2007

Permit #:

B0703611

Description: unit# 2006 installation accordions 3 openings

GENERAL IMPACT GLASS & WINDOWS CORP  
1677 W 33 PLACE  
HIALEAH  
FL

Site Address: 11 ISLAND AV

33012

### To Whom It May Concern

Our records indicate that your permit has expired without first obtaining an approved, mandatory inspection as required in the South Florida Building Code, Chapter 3, Section 305.2 or Florida Building Code, Chapter 1, Section 105 which states the following:

**"The Building Official, upon notification from the permit holder or his agent, shall make the following inspections and shall either approve that portion of the work completed or shall notify the permit holder or his agent wherein the same fails to comply by providing a written notice of the violation of this Code and/or corrections ordered. Such written notice shall be served on job site or sent by certified mail or delivered to the permit holder or his/her job representative. Refusal, failure, or neglect to answer such written notice within 15 working days of delivery of this notice as required in this section, shall be considered a violation of this section of the Code. The Building Official, at his/her discretion and/or judgement, upon failure of the permit holder to comply with this section or failure of the permit holder to respond to the written notice of violation, may withhold issuance of any other permit to such permit holder. Before withholding permit privileges, the Building Official shall notify the permit holder of the intent of withholding issuance of permits by certified mail."**

Refer to the South Florida Building Code/Florida Building Code for a detailed list of inspections required and you should further contact the City of Miami Beach Building Department as there may be additional inspections required to be performed.

Once your permit has expired, you are required to present plans and specifications (complying with the current codes), obtain new permits (to include all trade permits that were attached to the master permit) and obtain all mandatory inspections as required in the South Florida Building Code/Florida Building Code.

The permit holder will not be allowed to obtain other permits whether on the above referenced site or any other site within the limits of the City of Miami Beach until the situation is resolved.

**THIS IS NOT A VIOLATION,** but a courtesy notice to impress upon you the importance of taking action. If you fail to respond to this letter within **15 DAYS** from receipt of this letter, the City of Miami Beach Building Department will issue a Notice of Violation and follow-up accordingly with the appropriate enforcement agency for non-compliance. For additional information or assistance, please call the **APPROPRIATE SECTION** at 305-673-7610: for Building (**B**) and Demolition (**BD**) Permits contact the Violation Section; for Electrical (**BE**) Permits contact the Electrical Section; for Mechanical (**BM**) Permits contact the Mechanical Section and for Plumbing (**BP**) Permits contract the Plumbing Section.

Sincerely;

City of Miami Beach - Building Department

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BUILDING DEPARTMENT

## City of Miami Beach

### Building Department

1700 Convention Center Drive

City Hall - 2nd Floor

Miami Beach, FL 33139

(305) 673-7610 (Office)

(305) 673-7857 (Fax)

PEDRO DONESTEVEZ &W  
OLGA T DONESTEVEZ  
3759 PINETREE DR  
MIAMI BEACH FL

331403935

## 30 Day Warning Notification of Permit Expiration

**Reference:** BE072177

**Jobsite Address:** 3759 PINETREE DR

To Whom it May Concern

Our records indicate that your permit was applied for and/or issued after March 1, 2002, which means that your permit was issued under the guidelines of the Florida Building Code. Our records indicate that your permit is going to expire within the next 30 days because you have failed to obtain an approved or partially approved inspection which would have extended your permit for an additional 180 days.

At this time, you are required to either obtain an approved or partially approved inspection prior to the expiration date or apply for an extension in compliance with the guidelines of the Florida Building Code, Section 104.5.1.4 as stated below:

**To extend a permit for a period of 180 day from the date of expiration, a request for an extension shall be made prior to the expiration date that appears on your permit.**

To obtain an extension, the permit holder must complete a permit extension application form, requesting the permit extension and submit it to the Building Department PRIOR TO THE PERMIT EXPIRATION DATE. There is a minimal fee for the permit extension. All permit extensions shall be reviewed by the Building Official.

Please keep in mind that if the permit expires, you will be required to comply with the Florida Building Code 104.5.1.1 which states the following:

**"If work has commenced and the permit is revoked, becomes null and void, or expires because of a lack of progress or abandonment, a new permit covering the proposed construction shall be obtained before proceeding with the work."**

**CONDITIONS OF THE PERMIT - Florida Building Code**

**Every permit issued shall become invalid unless the work authorized by such permit is commenced within 6 months after issuance, or if the work authorized by such permit is suspended or abandoned for a period of 6 months after the time the work is commenced.**

Additionally, work shall be considered to be in active progress when the permit has received an approved or partially approved inspection within 180 days. Failure to comply will result in a Notice of Violation being issued and the permit holder will not be allowed to obtain other permits within the City of Miami Beach until the situation has been resolved.

If you have any questions or require further assistance, please call the **APPROPRIATE SECTION** at 305-673-7610: for Building **(B)** and Demolition **(BD)** Permits contact the Violation Section; for Electrical **(BE)** Permits contact the Electrical Section; for Mechanical **(BM)** Permits contact the Mechanical Section and for Plumbing **(BP)** Permits contract the Plumbing Section.

Sincerely;

**City of Miami Beach - Building Department**