

M E M O R A N D U M

To: Tom Harmer, Town Manager

From: Allen Parsons, AICP
Director, Planning, Zoning & Building Department

Report date: May 6, 2022

Meeting date: May 16, 2022

Subject: Proposed Ordinance, 2022-11, Amending Chapter 150 to Establish Multi-Story Structures Recertification Requirements and Program

Recommended Action

Provide direction to Manager and forward Ordinance 2022-11 to the June 6, 2022 Regular Meeting for first reading.

Background

At their September 27, 2021 Regular Workshop Meeting the Town Commission held discussion as a follow-up to the Champlain Towers building collapse in Surfside, Florida. Discussion of the Surfside tragedy highlighted the importance of multi-story buildings keeping up with building maintenance, and underlined the role that State and local governments can play to prompt both building inspections and follow-up on identified deficiencies.

Miami-Dade and Broward Counties, and their jurisdictions (including Surfside) have Building Safety Inspection Programs that require structural and electrical safety inspections for buildings 40 years old, or older, and every 10 years thereafter. Broward County's program was created in 2005. It was modeled after Miami-Dade County's program, which was originally established in 1975 following a partial building collapse that resulted in the deaths of seven Drug Enforcement Agency (DEA) agents in 1974.

The programs generally call for buildings over 3-stories in height to be inspected by State licensed architects and engineers, which are hired by private building owners to perform the safety inspections. The inspections include a list of specific items required to be investigated and documented, with a focus on determining the general structural and electrical safety of a building and the ongoing suitability for continued occupancy.

The programs are administered by city or county building departments, as applicable, which maintain the Safety Inspection Reports prepared by an engineer or architect. In the event that repairs are necessary, the owner is required to correct any structural and electrical deficiencies that pose an immediate threat to life safety. Repairs that are incidental and non-life-threatening can be completed at a later date.

At the time of the Regular Workshop discussion, there was an expectation that the Florida Legislature would consider adding Statutory requirements for multi-story buildings, State-wide, to go through a similar periodic process of preparing an

inspection of a building's structural and electrical systems' integrity and then providing a demonstration of the findings to the applicable local jurisdiction.

The Town Commission provided direction to track whether a State-wide reinspection program requirement would be taken up in the 2022 Legislative Session and if the Legislature did not institute a State-wide reinspection program to consider establishment of a local program.

Differing bills in the Florida House and Senate were considered in the 2022 Legislative Session, however, neither passed, in part, due to differences over requirements for condominiums to hold adequate reserves to pay for repairs. Under a Florida House proposal, buildings would have been required to be recertified after 30 years if they were three stories or higher, or if they were 25 years old and within 3 miles of the coast. Every 10 years after that, they would have been required to be recertified again. Under a Florida Senate bill, if a 3-or-more-story building was within 3 miles of coastline and was 20 years old, it would have had to have been recertified by a Florida-licensed architect or engineer. A similar inspection and reporting requirement would then have been required every seven years thereafter.

For the Commission's consideration, staff drafted Ordinance 2022-11 that would establish a building recertification inspection requirement within the Town. Requirements for inspecting, reporting and following-up on any needed repairs, if applicable, of a building's structural and electrical components would apply to "Threshold Buildings"¹ that are 20 or more years old. Subsequent recertifications would be required at intervals of every 7 years after the first recertification. These timeframes were included in the Florida Senate Bill (for properties within 3 miles of coastline) and derive from recommendations provided by the Surfside Working Group, "Florida Building Professionals Recommendations" report (attached), which included a broad cross-section of professionals from the engineering, architecture, building professionals and concrete repair industries.

Proposed Ordinance 2022-11 does not include provisions related to maintaining reserves for funding repairs. This is an issue that is best left to the State and one that local government does not usually get involved in.

The primary components of Ordinance 2022-11 would obligate applicable building owners to commission an inspection of the building's structural and electrical elements by a professional engineer registered in the State of Florida. A written report summarizing the inspection's findings then would be required to be submitted to the Building Division. The report would be required to ultimately state whether or not there were conditions identified that would compromise a building's safety. If there are such

¹ Threshold buildings are statutorily defined (per F.S. 553.71(11)) as buildings that are: 3 or more stories; 50 or more feet in height; or larger buildings that have 500+ person capacities.

conditions identified, the report would have to identify actions to address and correct those conditions (based on the nature, seriousness and foreseeable imminent danger).

The Town's Building Official would review and retain these reports and follow-up appropriately, including ensuring whether any identified repairs or modifications are completed in a timely manner.

The proposed building recertification program, authorized by Ordinance 2022-11, would establish a new requirement for the Town's building owners to periodically review the safety of their buildings. The Town's role is in setting the timelines for the evaluations, maintaining a public repository of the reports, and providing for review and follow-up by the Building Official.

Notwithstanding the proposed ordinance, the Building Official already retains existing authority under Florida Statutes and Town Code to declare buildings unfit or unsafe in individual circumstances.

Staff is evaluating data from each County Property Appraiser and the current inventory of Town buildings, greater than 3-stories, and that are at least 20-years old, is 112 (94 in the Sarasota County portion of the Town and 18 in the Manatee County portion).

Following discussion and feedback, staff recommends the Town Commission hold first reading of Ordinance 2022-11 at their June 6, 2022 Regular Meeting. This Ordinance would establish the Building Recertification Inspection Program Requirements. Second reading and public hearing would then be held at the July 1, 2022 Regular Meeting. The Ordinance effective date, if adopted, as drafted would commence at the start of the Town's Fiscal Year 2023 (October 1, 2022). This would allow time for the addition of a fee (\$550 fee recommended) to be incorporated into the Town's Fee Schedule for Building Permit and Fire Fees to cover the costs of administering this program.

After the Surfside collapse, the Town staff reached out to the Condo Federation and others to express the importance of a periodic structural review. Several of the complexes on the island pro-actively acted to assess their structures and some of them have been taking repair actions as a follow-up to any recommends that they may have received. Under that effort, there was no requirement to provide a copy of their inspection to the Town, though they do have to come in for any necessary permits. Under this proposed Ordinance, they may have already met the inspection requirement and we would work with them to help bring them into full compliance.

Since there are initially 112 buildings all at one time that would be subject to the proposed Ordinance we recommend phasing in the initial requirements through a rolling set of due dates. This would accommodate the additional staff obligations associated with establishing, reviewing and following-up on elements of the Recertification Program. All threshold building owners of buildings that are 20 years or older would be notified beginning on October 1, 2022 of the new requirements. Buildings that are more than 50 years old would be prioritized to submit reports first, and would be provided with

a year to submit reports. Buildings between 30-50 years old would be afforded 18 months to submit and buildings that are 20-30 years old would be afforded 24 months to submit. Thereafter, staff will be notifying all threshold building owners that will be reaching 20 years of age in the coming calendar of year of the program's requirements. Buildings owners will be provided one year to have a report completed and submitted to the Town. The Town will also be providing notifications at 6 months prior the required submittal date.

If the Town proceeds with the proposed Ordinance the staff will reach out to the Condo Federation and Property Managers to notify them of the requirements and upcoming hearings. They would also include a public outreach session to educate them on any final regulations adopted.

Staff Recommendation

Provide direction to Manager and forward Ordinance 2022-11 to the June 6, 2022 Regular Meeting for first reading.

Attachments

- A. Ordinance 2022-11 (Available in Town Clerk's Office)
- B. Surfside Working Group, Florida Building Professionals Recommendations (Available in Town Clerk's Office)

End of Agenda Item