

The Towers and the Ticking Clock

By Matthew Shaer

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On a bright afternoon in June, James McGuinness arrived in the lobby of Champlain Towers South, one of the tallest condo towers in Surfside, just north of Miami Beach. Like its sister building, Champlain Towers North, the South tower was built in 1981, in the midcentury modern style so beloved by Florida developers of the era: squat and unlovely, with an L-shaped Duplo block footprint and heavy concrete balconies that jutted from the 13-story structure. Out back, there was a garden, and beyond the garden, the sea.

Although McGuinness had been the chief building official in Surfside for less than four months, he knew Champlain Towers South well. And not only because he lived in an apartment complex nearby: Between late May and late June, he made four previous trips to Champlain South, where the condominium board was upgrading the building's "swing-stage supports" — the roof-mounted anchors used by professional window-washing crews. This trip, on June 23, would be his fifth and last.

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“In retrospect, you look back at that moment — you search your memory,” McGuinness told me recently. “But I didn’t notice anything unsafe. I would never have stayed up there if I had.” Together with the building manager for Champlain Towers South and a trainee from Surfside’s building-inspection unit, McGuinness walked the perimeter of the roof, assessing the anchor placements. The day already felt uncomfortably hot, and the breeze, blowing at 15 miles an hour toward the ocean, did little to make things more pleasant. They said their goodbyes and rode the elevator back to the lobby.

Around 1:45 a.m., McGuinness was awakened by the buzzing of his mobile phone on the bedside table. The voice on the line belonged to Jason Greene, the assistant town manager for Surfside. There’d been an incident at Champlain Towers South. “Partial collapse, multiple fatalities — that’s all he could tell me,” McGuinness said. Outside, the air was choked with smoke and particulate debris as fine as snow; emergency vehicles were shrieking up Collins Avenue, the multilane thoroughfare that runs almost the entire length of Miami Beach.

McGuinness rounded the corner and felt the air leave his lungs. The building upon which he stood the previous day had nearly vanished. In its place was a heap of concrete and steel. “There was this tremendous gap in the horizon staring back at me,” he said. “An unspeakable scene. Unspeakable horror. That’s all I could think, even then: It was unspeakable.”



Miami Beach. Andrew Moore for The New York Times, with drone assistance from Jake Butters.

The next afternoon, while rescue crews searched for survivors, McGuinness appeared at an emergency meeting of the Surfside Town Commission, a body made up of the mayor, vice mayor and other elected officials. By the end of the day, at least one person was pronounced dead, with 99 residents from the condo's 135 units reportedly unaccounted for; the final count would land at 98, making it one of the deadliest engineering failures in the history of the United States. Standing at the microphone, clad in a white polo shirt and slacks, McGuinness warned of a coming reckoning — one that would play out across the entire country. “This terrible tragedy, which is a national tragedy, is going to change the building codes as they relate to certification and all existing buildings,” he said. “Because we’ve got to remember, it’s not only the building itself. It’s what the

building is sitting on that also counts, big time. Especially in the coastal environment.”

But meaningful reform, of the kind McGuinness imagined, has long been notoriously hard to enact. Florida has roughly 1.5 million residential condo units — among the most of any state — and a highly lucrative condo and co-op industry with many powerful players, from management companies and developers to firms specializing in condo law. Historically, these groups, and the lobbyists who represent them, have successfully pushed back against any policy they view as constrictive or unduly expensive. And already, just months after the collapse of Champlain Towers South, there are signs that similar efforts are underway. “You’d hope that this is the wake-up call,” Steven Geller, a longtime state senator and representative, told me of Champlain Towers. “But I’d anticipate the same thing we’ve seen since the 1980s. The same thing, incidentally, that you see with mass shootings, or at least mass shootings back when they were rare. The lobbying groups go out and go: ‘Listen, now is really not the time to deal with this. Now is the time to pray and heal. Let’s talk about it next year.’ Then next year comes around, and guess what? It’s old news. Let me tell you: I want to be wrong, but my experience says, ‘Be realistic.’”

Pull up a map of the Florida coast, drop your finger onto the surface and you’ll almost certainly land on a town or city with its own disaster in the making. According to one recent study, 918,000 of Florida’s condo units are, like the ones in Champlain Towers South, more than 30 years old; many towers were thrown up during the boom years, when oversight was lax, developers were incentivized to prize speed over attention to detail and every permit was a rubber stamp away. Even in the most rigorously built structures, secured to the face of the earth by heavy pylons driven through yards of shifting sand, the coastal environment has inevitably taken its toll. Facades are

pitted by the salt and sea air. Balconies are crumbling. Pool decks are spidered with cracks. And water — and rising sea levels — are a fact of life. Water on the roads, water slopping up and out of the drains, water in subterranean garages and the very foundations of condo towers packed with hundreds of residents who are frequently blind to the dangers that lie underfoot or, more tragic still, unable to fund the repairs that could save their lives.

And time is running out. “It is a ticking-clock scenario,” Eric Glazer, a veteran condo-law specialist told me. “A bomb got set off, back in the day, and it’s about to go off.”



The town of Sunny Isles Beach, north of Surfside. Andrew Moore for The New York Times, with drone assistance from Jake Butters.

As recently as the 1890s, the nine-mile barrier island now known as Miami Beach was little more than a fetid tangle of swampland, dominated by the remains of a handful of old coconut and avocado plantations. All had failed spectacularly. The heat was tremendous, the rain torrential, and as for the local fauna, it appeared to consist entirely of violent bugs. “The mosquitoes were biting every exposed inch of me,” Jane Fisher wrote in her memoirs, recalling a visit she made in 1912, with her husband, Carl, a wealthy developer. But Carl refused to be deterred. “I’m going to build a city here,” he proclaimed. “A city like magic. Like romantic places you read and dream about, but never see.”

There was precedent for what Fisher had in mind. Two decades earlier, the oil baron Henry Flagler had extended his Florida East Coast Railway all the way to Miami, largely on the backs of poor Black inmates “leased” from local jails. (Miami was almost called “Flagler,” he later claimed, until a rare moment of humility spurred him to suggest the honor go instead to a local Indigenous tribe, the Mayaimi.) As Flagler’s rail line rolled south, massive hotels cropped up in its wake, including the Royal Palm, an opulent resort built in 1897 in Miami. On Miami Beach, Carl Fisher vowed, he would replicate their grandeur. But in order to do so, he would have to play God and entirely reshape the landscape.

A wooden bridge spanning Biscayne Bay was already under construction; Fisher chipped in some funds to ensure its completion and hired a crew of Black laborers, “armed with saws and axes,” to scrub the beach clean of stubborn vegetation. “They worked hip-deep in the mud, a pall of smoke hanging over them because smudge pots and bonfires of palmetto fiber were the only available defense against clouds of mosquitoes and sandflies that made life miserable for men and mules alike,” the Miami journalist and conservationist Polly Redford recalled

in a 1970 book, “The Billion-Dollar Sandbar.” “When the many-branched mangrove roots proved ruinously expensive to remove, they were cut off two feet above the mud and left there for dredges to cover later on.”

Far too late would residents of Miami Beach come to appreciate the cost of eradicating the mangrove forests, which function like natural storm walls, mitigating tidal damage and blocking high winds. Less immediately shortsighted was Fisher’s insistence on dredging six million cubic yards of wet sand from the bottom of Biscayne Bay and depositing it on the west side of the barrier island. (Redford wrote: “A week or so was necessary for this soup to congeal enough to support much weight, and during the filling of Belle Isle” — off the island’s southwestern flank — “two mules fell into it, and drowned.”) By 1916, Miami Beach had nearly doubled in width, giving Fisher far more seaside real estate to develop and sell; by 1931, dozens of artificial islands had sprouted up in the bay. “So thoroughly did founding father Fisher and his crews erase most traces of nature,” the Miami Herald reporter Andres Viglucci noted last year, “that it’s easy to forget today, as Miami Beach marks its centennial as an incorporated city in characteristically hyped-up fashion, just how completely a manufactured place it is.”

The hitch with manufactured places, of course, is that they tend to need constant care. Conjure a “magic” city from sand, and you better be prepared to make sure it doesn’t vanish back into sand again. Hence the canals gouged into the island in the 1920s to relieve coastal pressure and counter flooding; the barge-loads of crushed limestone required to undergird the island’s first roads; and the appearance of bulkheads, or retaining walls, along the shore.

Fisher succumbed to a gastric hemorrhage in 1939, but the push-and-pull between developers and nature would continue for decades after his death, often in familiar ways, but sometimes in entirely novel permutations. A filled-in beach eroded, so more of the ocean floor was siphoned up to replace what the sea had reclaimed. Rising tides overwhelmed drains, so more complex systems were installed, along with pumps that funneled street water back into the bay, where they created dangerous algae blooms. Floodwater sluiced through a basement, so the house was jacked up. Ditto the parking lots, ditto the roads. “If you were from the Beach, it was just part of life,” a friend, Buz Waitzkin, who grew up in the area in the 1950s and 1960s told me. “You’d ride along Biscayne Bay, and there were those giant dredges literally creating islands. And if there was a big storm, your street turned into a small creek. For days after a hurricane, our house got sloshed and sprayed so many times by drivers that we had to put a big sign out front: ‘Cars! Watch your wake!’”

When I arrived at my hotel on Miami Beach, this past October, a construction crew was busy raising the adjacent boulevard. The work had been going on for close to three years, the hotel’s receptionist said wearily: “But I’ve been told it’s either that or we turn into Atlantis.” (He offered me a cocktail coupon as an apology.) According to some estimates, the race may be winnable in the short term, but it won’t be cheap: The city estimates that the cost of protecting Miami from rising tides over the next 40 years will total nearly \$4 billion. And even that staggering effort might not be enough. “There are some areas where you run the model now and you plug in the recommended pump stations and outfalls and wells, you will find minimal to no change with hundreds of millions of infrastructure,” Miami’s deputy chief resilience officer, Chris

Bennett, recently reported. “There are cases where your engineering solutions just won’t provide you any benefit.”



If you were to plot out the history of development on Miami Beach, you would see two significant spikes. The first arrived with Carl Fisher and ended with the Great Depression. The second came after World War II, as a new wave of developers, taking advantage of the growing popularity of air travel, resuscitated Fisher's idea of Miami Beach as a playground for the rich. The island, the editors at Life magazine noted in 1947, "offers an impressive menu of *divertissement*: horse racing, dog racing, swimming, deep-sea fishing, shopping, sunbathing, gambling, nightclubbing, astrology, speedboating (sailing, being more strenuous, is not so popular), pretty girls and a climate which insures '359 warm, sunny days out of 365.'"

"I've got this old postcard, and it kind of explains it all," Eliot Kleinberg, a local historian and former Miami-area reporter, told me. "The frame on the left has a guy standing next to a snowman, and he's shivering. But in the frame on the right, he's in the sun, and he's grinning, and he's got a bikini babe on each side of him. It's really a distillation of what Florida was to previous generations. And you absolutely can't underestimate what kind of power it had. People wanted to be here. Needed to be here. Florida was a magnet, and if you lived in Boston or New York or Philadelphia, or wherever, and you wanted warmth and sun, you got pulled along."

In 1940, Florida's population was about 1.9 million. In 1950, the number was just shy of three million. "Then you fast-forward a little more, and there are 22 million people here," Kleinberg recalled. "I watched it happen. It wasn't pretty. It was pretty if you were a contractor, but it wasn't pretty if you loved the natural world. Everything vanished so fast you could almost see it happen with the naked eye. I look back with great nostalgia

and sorrow at that time. I really do. We created homes for 22 million people but paid a tremendous cost for it.”

In other parts of Florida, there was enough land for developers to build *out*, in tessellating planned communities that often extended no more than a couple of stories in height. But on Miami Beach — both Miami Beach proper, which had been incorporated as a city in 1915, and in nearby communities such as Bal Harbour or Surfside — there was only one direction to go. Through the 1960s, new towers sprung up along the beach, many of them zoned for condominium use. So unfamiliar was the word — the Federal Housing Administration did not approve insurance for condos until 1961 — that one local newspaper felt compelled to define “condominium” for its readers: “It is what persons who like apartment living — but want to own property complete with a title — have been waiting for.” If Carl Fisher’s vision for Florida had hinged on luxury for the extremely wealthy, the appeal of the condo was essentially democratic; a middle-class retiree with enough savings could afford the same sea view and beach access as a millionaire. (Air-conditioning, which was becoming more widely available, ensured that condo living was comfortable, even in crowded, multistory towers.)

But in their rush to meet demand, developers often cut corners when it came to construction materials or the all-important substructures that kept buildings stuck to the ground — a hazard given the frequency of violent storms on the Florida coast. “It was the wild, wild West,” a longtime Miami engineer named Eugenio Santiago told me. “You had ground being broken every day, and the permitting people were completely overwhelmed. They’d review the calculations you submitted, and they tried to catch things, but stuff was always going to slip through the cracks. Then you’d have the guys who’d just take a glimpse and rub their hands on the paper, sign it and hand it

back.” (Santiago’s account is supported by a contemporary interview with a retired building official who told The Miami Herald that a lot of inspection practices in the boom years were “a fiasco, a joke” and not “worth a damn.”)

In 1974, a grand jury empaneled by Miami-Dade County reviewed complaints from residents about the quality of local construction and returned with an indictment of the overly friendly relationship between many developers and municipal officials — and the political pressure being exerted on code inspectors. Local leaders, the report warned, “must wake up to the fact that Building Departments are to be established for the protection of the consumer and not solely to bring revenue to the City and County.” Two grand-jury investigations followed, in 1976 and 1990, each more damning than the last. (The 1990 report, the most strident in tone, included an account of a woman who complained about incessant leaks, until one afternoon the entire roof collapsed.) Record-keeping was lax to nonexistent, the juries found; as for the inspectors, they were often unqualified and just as often conspicuously lazy — some had conducted drive-by “inspections” without ever leaving their cars.



The site where Champlain Towers South stood. Andrew Moore for The New York Times, with drone assistance from Jake Butters.

It wasn't until Hurricane Andrew, in 1992, which killed 61 people and destroyed billions of dollars of property, that lawmakers were jolted into forming a governmental panel, the Lewis Commission, to investigate building practices in the state. "The history of Florida mirrors the history of America, in the sense that you can look back and see all these obvious problems that no one is paying attention to because they have dollar signs in their eyes," Kleinberg, the historian, said of the commission. "Then a tragedy happens, and someone comes in and fixes it." The commission later issued nearly 100 recommendations on strengthening local building codes. Among them: state-mandated structural analyses of any tower or complex more than 40 years old.

A 40-year recertification program, which had been in place in Miami-Dade County since the mid-1970s, was later adopted by

Broward County, a coastal area that encompasses Fort Lauderdale and Hollywood. There is little doubt the policies have made Florida safer. But it has also explicitly placed the burden and responsibilities of the maintenance of older buildings onto owners themselves — with predictable results. “Look, maintenance takes effort, right?” says Allyn Kilsheimer, the engineer hired by Surfside to investigate the Champlain collapse. “And then it costs money to hire an engineer to conduct the re-inspection in the first place, and then it can cost *a lot* of money to do the required work.” And frequently, owners balk at the expense.

“I’ll never forget going out to this condo complex on the water, with a contractor, and looking at the corrosion on some of the columns in the garage,” Eugenio Santiago told me. “It wasn’t horrendous. I proposed removing the corroded concrete and wire and pouring new concrete — the price would have been about \$3 million. The guy looks at me like I’m crazy. A decade passes. I hear from someone at the same building. I go back. The damage is worse. I say, ‘Now it’s a \$20 million job.’ Basically, you pay now or pay later, and many people chose option No. 2.”

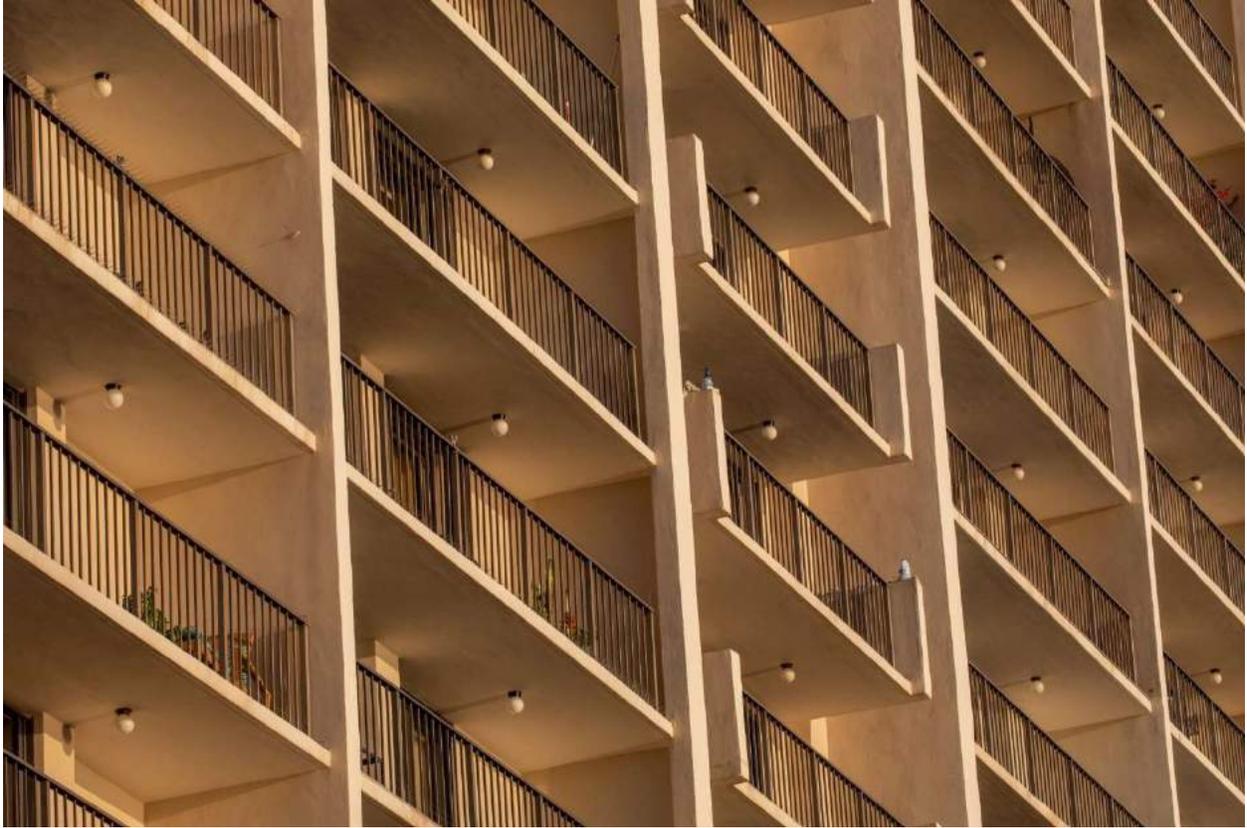
The realities of the modern condo board complicate matters significantly: Although the original residents of a building may have insight into how a structure is built, later owners are typically left in the dark about the state of repairs. Once they purchase a unit, they don’t want to be held financially liable for wear and tear they didn’t inflict or improvements they may not benefit from. “I use the green banana metaphor,” says Bill Sklar, a lawyer and law professor who has been working on condo issues in Florida since 1980. “An older person goes to the supermarket and sees some green bananas. But she buys the yellow ones, because she’s not sure she’s going to be around long enough to see the green bananas ripen. Now apply that to a

condo resident,” he went on. “Well, if you’ve \$1,500 in the bank, you take your grandkids on a vacation to Disney World. Or you take them on a cruise.” And you vote *no* on authorizing the repairs.

Over the years, would-be condo-law reformers in the Florida Legislature have focused much of their energy on the policy surrounding reserves — money set aside for repairs — and so-called “reserve studies”: an estimate of how much money should be set aside, based on an engineer’s evaluation of the building. But few of these proposals have made it out of committee and onto the floor for a vote. Fewer still have been signed into law. “It took on a predictable pattern,” says Steven Geller, a commissioner for Broward County who spent 20 years as a state senator or representative. “Someone would come along and try to strengthen the laws as they pertained to reserves. And then the law firms representing condo boards would fight back. They wanted to keep their clients. And their clients — the boards or the condo associations — didn’t want to pay when they thought they shouldn’t have to.” Several Florida law firms were involved in this kind of lobbying, but none more prominently than Becker, a Fort Lauderdale firm that one former Republican state representative, Julio Robaina, has described as the “nemesis” of condo-law reformers. (“Becker strongly refutes any accusation that the firm has opposed community-association reform at any point in its history,” Gary C. Rosen, the Becker managing shareholder and chief executive, said in a statement.)

“A big firm like Becker, or a major lobbying group, they can pay for charter buses and pack them with board members and send them to Tallahassee,” Geller told me. “Suddenly, you’re a legislator in a committee room that sits 200 people, and 180 of them are wearing red shirts indicating their opposition to your legislation. And let’s be honest, all right? That does affect

legislators. It affects the governor and the cabinet. And it affects the outcome of the proposal.”



Balconies at the Oceanfront Plaza condominiums in Miami Beach. Andrew Moore for The New York Times.

In 2008, for example, Robaina sponsored a bill requiring condo boards to pay for a new reserve study every five years. The bill was signed into law, but in neutered form: In the 11th hour, lobbyists representing condo associations insisted that boards be able to waive the requirement by a simple majority vote. Two years later, in 2010, the law was repealed in its entirety — largely, Robaina has claimed, because of pressure from lobbyists and firms like Becker. According to current and former legislators that I interviewed, this has been a familiar dynamic in Tallahassee in recent decades. Reform bills are advanced, lobbying groups coalesce in opposition and one way or another, the legislation is killed.

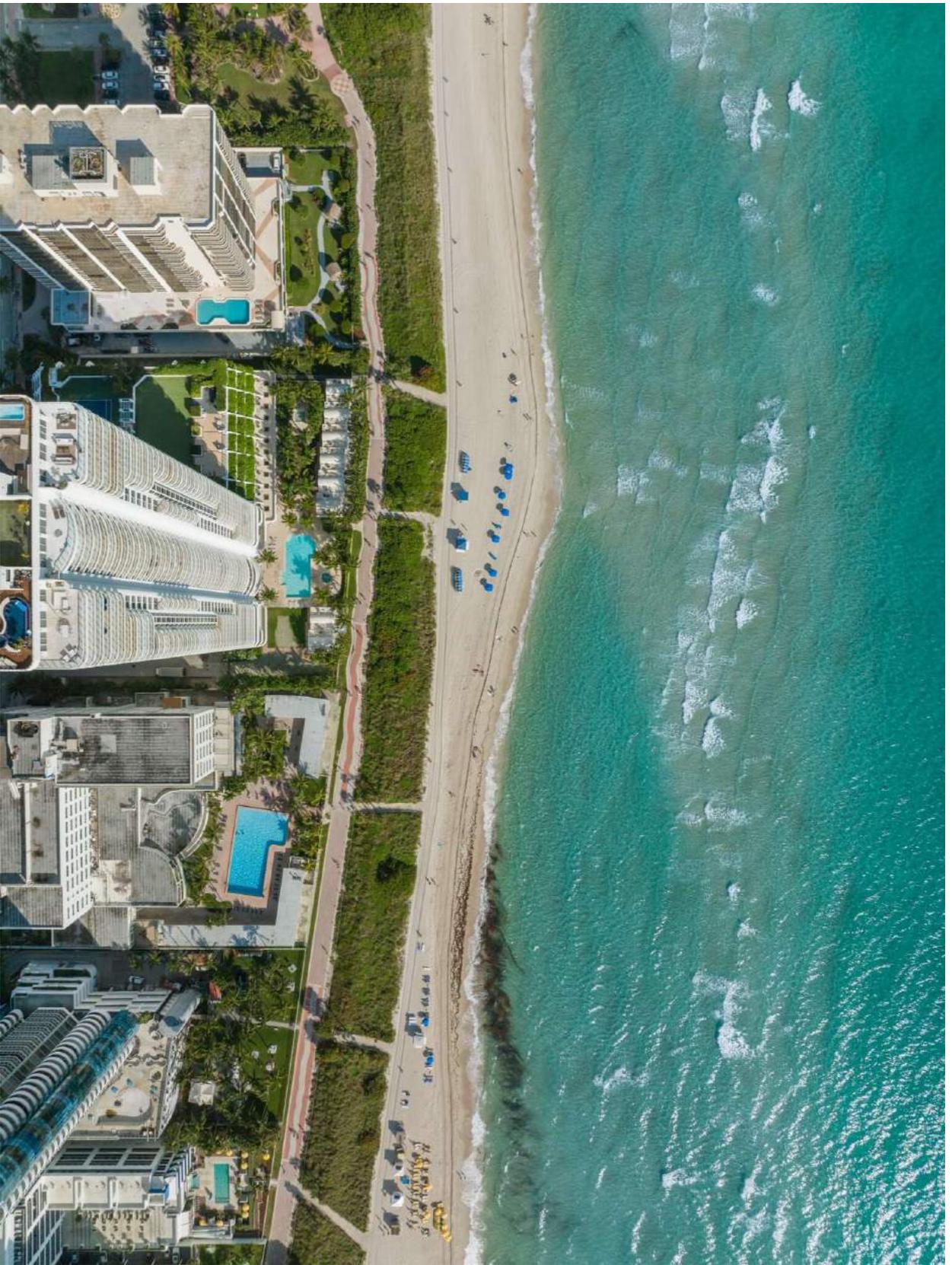
“The Florida government, for years, has allowed this to go on, has allowed all these buildings to go up, with little preparation for the day when they get old and need repairs,” Eric Glazer, a Florida lawyer, told me recently. Glazer, who writes a popular blog about Florida condo law, recalled attending a 2018 board meeting at a condo complex for senior citizens in Fort Lauderdale. On the agenda that night was an assessment of \$300 per owner to address plumbing problems in the units. “I can’t tell you how many people came up to me afterward, crying, weeping, saying, ‘We can’t afford it,’” Glazer said. “I went home that night, and I wrote emails to as many state legislators as I could, and begged them to do something. I said, ‘Look, the state of Florida is about to be in a tremendous, tremendous amount of trouble.’”

As it happens, that same year, a similar drama was playing out on a much larger scale at Champlain Towers South — a building with a tangled condo-boom history of its own. According to The Miami Herald, one of the general contractors on the project, Alfred Weisbrod, later lost his state license after an investigation into complaints involving “incompetency or misconduct”; the building’s developer, Nathan Reiber, pleaded guilty to tax evasion and was accused of “false and deceptive” entries in company records.

In early 2018, Frank Morabito, an engineer working for the condo board, conducted an inspection that revealed crumbling concrete on the ground floor and significant corrosion to the rebar that helped support the structure. Of particular concern to Morabito was the concrete slab that underlaid the pool deck; the original builders, Morabito concluded, had made a “major error” in not canting the slab, which would have prevented water from collecting in the building’s substructure. To correct this error, together with other necessary repairs to Champlain South, would cost approximately \$9 million, Morabito estimated. (Through a representative, Morabito and his

associates declined to comment.) But the Champlain South board had nowhere near that amount in reserve. For a year and a half, the owners and board members bickered over how to proceed; many residents supported raising money to pay for the proposed fixes, but others recoiled at the steep costs. The infighting grew so bitter that most of the board eventually resigned.

“This pattern has repeated itself over and over, ego battles, undermining the roles of fellow board members, circulation of gossip and mistruths,” the chairwoman of the board, Annette Goldstein, wrote in her resignation letter. “I am not presenting a very pretty picture of the functioning of our board and many before us, but it describes a board that works very hard but cannot for the reasons above accomplish the goals we set out to accomplish.” Eventually, in 2020, several new board members were elected, and a proposal was approved: Champlain Towers South would take out a \$12 million line of credit from a Miami bank to address the most pressing of the suggested repairs. Several months later, half the building shuddered into dust.



Miami Beach was little more than swampland as recently as the 1890s. Andrew Moore for The New York Times, with drone assistance from Jake Butters.

Champlain Towers South fell at 1:20 a.m. on June 24. By 5 that morning, the survivors had been escorted to the Surfside Community Center, a half mile to the north, where they were joined by evacuated patrons of an adjacent hotel and dozens of relatives of Champlain residents. “From that point forward, we were all moving nonstop, and we essentially didn’t stop moving for a week,” James McGuinness recalled. Media gathered three rows deep on the periphery of the collapse site; everywhere residents went, there was a mic or camera in their faces. The phone in McGuinness’s office, on the ground floor of the Surfside town hall, rang nonstop. There was no shortage of condo towers in Surfside as old or older than Champlain South. Could those structures be on the verge of collapse, too?

“Everyone was suddenly acutely aware of every crack and crevice in their building,” McGuinness said. “I would describe the level of panic and nervousness as extremely elevated.”

To try to ease residents’ minds, McGuinness drafted a memo, asking “owners of buildings over 30 years old and over 3 stories in height to begin assessing their buildings for recertification in advance of their 40-year deadline.” McGuinness delivered many of the documents himself, sometimes adding a handwritten note at the top: “Don’t wait. Accelerate!! *No esperé.*

Aceleré!! We are aggressively ‘in front of the fix!’”

On Friday, June 25 — the same day as the emergency meeting — McGuinness, Kilsheimer and other officials and lawyers gathered in a conference room to discuss what may have caused the collapse. Among the documents that were reviewed was a stack of email correspondence between members of the condo board and Ross Prieto, McGuinness’s predecessor as Surfside’s chief building official. “Seeing those emails was a holy-[expletive] moment,” said Eliana Salzhauer, a first-term commissioner who had come to the offices to speak to

McGuinness and Kilsheimer. “Like, ‘How did we not know about this?’”

The emails showed that Prieto had been sent the report submitted by Frank Morabito, the engineer hired by Champlain Towers South. Prieto never responded in writing, but he informed the condo board that the building was “in very good shape,” according to minutes from a board meeting. (Prieto declined to comment for this article.) Salzhauer was also troubled by an exchange between Prieto and a condo-board member named Mara Chouela, who had complained to Prieto about construction at an adjacent lot, a Renzo Piano-designed condo tower to be called Eighty Seven Park. Residents reported feeling tremors in Champlain South, and Chouela sent a photo of a large backhoe working right next to Champlain’s parking garage and pool deck. Could a town official come check? “There is nothing for me to check,” Prieto fired back. Surfside directly borders Miami Beach, and the construction site fell under that town’s purview.

In November, at a Starbucks in Surfside, Salzhauer pulled out her iPhone and showed me some of the information that had since emerged on the Eighty Seven Park site. The city of Miami Beach, several media outlets had reported, had amended its height regulations to accommodate the construction of the 18-story building. And the developers had been allowed to take ownership of the street between Champlain Towers South and Eighty Seven Park, which is how the backhoe that Chouela spotted got so close to the former building. Survivors and relatives of victims of the collapse have since filed a lawsuit claiming the work on Eighty Seven Park contributed to the tragedy. The developers, in turn, point to the condo board at Champlain Towers South as the problem. “As numerous media reports have documented, Champlain Towers South was

improperly designed, poorly constructed, significantly underfunded and inadequately maintained and repaired,” David Weinstein, a lawyer for the developers said. He expected that “a full review of the facts and the ongoing investigation” by the federal government would “affirm” the developer’s position.

Salzhauer told me that she wasn’t yet sure what to make of the allegations regarding Eighty Seven Park. “But I do know one thing: We’ve got to stop being passive and start being proactive,” she said. As a comparison, she cited the response to the Ford Pinto in the 1970s, when it was discovered that the model was prone to explosions in rear-end collisions: “We found the life-threatening defect, and the car was pulled off the road.” She added: “Now I’m not saying that we need to evacuate every old building in Surfside. But I am saying that we need to have more regular inspections and we need to change the way we’re measuring safety. Because we’re learning so much about sea-level rise and climate change and we’re realizing that a lot of our old measures are outdated.”

In commission meetings last summer and fall, Salzhauer, a television producer and former prosecutor, has pushed Surfside to modify its re-inspection program and pay for subterranean analysis along the beach, which might help identify geological weaknesses that could threaten other buildings. Just weeks after the collapse in Surfside, Boca Raton had already passed its own ordinance requiring 30-year recertification of condo towers and apartment buildings over three stories or 50 feet in height; the Surfside commission did not formally consider a similar proposal from Salzhauer until mid-January. (It will go to a vote in February.) Salzhauer told me that members of the commission had been reluctant to act until they knew exactly what happened.

But a definitive answer as to the cause of the collapse, if it ever comes, is likely to be years away: The National Institute of Standards and Technology, the federal body in charge of the investigation, recently said it was processing rock and soil samples from the site, along with “a review of historic, geologic, design and construction information,” but stopped short of providing a timeline for completion. And Allyn Kilsheimer, Surfside’s own investigator, has struggled to get access to the site. In November, the Surfside commission passed a motion providing additional funding for the investigation, but according to Salzhauer, it was a struggle to even get it to a vote.



Carl Fisher, the wealthy developer, proclaimed his vision for Miami in the early 1900s: “A city like magic. Like romantic places you read and dream about, but never see.” Andrew Moore for The New York Times, with drone assistance from Jake Butters.

The collapse of Champlain Towers South has had a polarizing effect on residents of Surfside, who have found themselves stuck between two camps: those who want to act decisively to strengthen local and state condo policy and those who regard it as an expensive infringement on their liberty.

“When you first called me, you said you were interested in understanding how the community responded to this tragedy,” Salzhauer told me. “But I’ll be honest. I think the real story now is, how does the community *not* respond? Certain people seem to want to forget, to move on. I understand that impulse; it’s self-protective. But that doesn’t make it right. I mean, we had nearly a hundred human beings die here.”

I later learned that Salzhauer’s “certain people” included one very prominent figure: the mayor of Surfside, a real estate investor named Charles W. Burkett, currently serving his third nonconsecutive term in office. (He won his most recent election, in March 2020, by a margin of exactly 50 votes out of a little more than 1,200 cast.) Salzhauer and Burkett have never gotten along. In June of 2020, in an exchange covered widely in the local press, Salzhauer flipped off Burkett, who had muted her during a heated commission debate over proposed anti-hate legislation. (Burkett wanted to add “evangelical Christians” to the list of protected groups.) She has subsequently described Burkett as a “pig”; she suggested to me that the mayor was politically disinclined to pursue the kind of reform that might upset conservative business interests in the state.

The national scrutiny over the Champlain Towers tragedy hasn’t helped their relationship. At one commission meeting that I attended, the pair talked at each other, but never to each other, in increasingly tense tones. “I would say that the mayor and the commissioner represent different extremes in terms of what needs to be done,” one municipal employee, who requested

anonymity in fear of retaliation, told me. “Which can often make it difficult to get things done.”

Burkett, who has expressed interest in running for governor, prefers to give interviews to Fox News, but in November, he agreed to a “friendly chat” at his home on the west side of Surfside. He showed me into his living room, which is dominated by picture windows that frame Biscayne Bay as neatly as a watercolor portrait. “Paradise,” he smiled happily.

Burkett’s viewpoints can be hard to pin down. He told me that he accepted the reality of climate change — he’d seen with his own eyes that the sea levels around his private dock were climbing. And he was as wary as anyone about the pace of development in Miami Beach, where, he stressed, the towers rise so high that some residents rarely catch a glimpse of the sun. He was determined to keep the “small town” feel of Surfside any way he could, he said.

But when it came to the collapse, he was unequivocal: It was a true aberration, unlikely to be repeated. “I’ve said this publicly: this doesn’t happen in America,” he told me. “There’s something really wrong here. Really wrong. Listen, I’m a real estate guy, and I’ve been around buildings my whole life. As a matter of fact, I started my career doing historic renovations in South Beach on those Art Deco buildings down there. I did a bunch of them. I understand how buildings are built and how they stand up. And, you know, it was my contention that you wouldn’t have had to lift a finger for four years and that building still shouldn’t have fallen down. There was a trigger, there was something that happened.”

Burkett referred me to a tweet purportedly sent by John McAfee shortly before the software magnate's death in a Spanish prison, which claimed that he'd stored dozens of terabytes of secret information "in my condo near 88th Street and Collins Avenue just north of Miami Beach" — the cross streets of Champlain South. Had someone set off a bomb in the building to prevent McAfee's secrets from being revealed? "It's not conclusive," Burkett allowed. He said he'd seen The Miami Herald refer to the tweet as "likely fake." But "likely fake," Burkett went on, "means potentially real." He told me that he had pleaded with law enforcement to get in touch with executives at Twitter to get to the bottom of the matter. "If it's not real," he said, "we check the box and we move on. Nobody's done that." (Several news organizations have concluded McAfee did not send the message or own a unit in Champlain Towers; the "tweet" in question was probably doctored.)

It's easy to see why this line of reasoning appeals to Burkett. If the collapse was a freak event, current and potential residents will fret less over the safety of Surfside's buildings. And less money will need to be expended on the type of initiatives floated by Salzhauer and her supporters. "When you demand more compliance — and that's not to say that we *weren't* demanding compliance, it's just it wasn't being enforced — but when you demand it and you enforce it, that's going to drive prices up," Burkett told me. "And of course, then, you're squeezing the balloon here and you're going to puff it up over there. What's the result of that? Housing is not going to be affordable. So you're going to displace a lot of people."

Burkett wasn't necessarily opposed to more enforcement, he said, but he believed residents should go into the discussion with their eyes wide open as to the costs. Once the cause of the collapse had been determined, "and it could be shown that that building fell for a certain reason, that would give us certainty,

but we have no certainty. The uncertainty right now is creating a plethora of different sort of” — he steeped his fingers before finishing his thought — “reactive situations.”

Salzhauer had used the Ford Pinto to make her argument for pursuing code reform. Burkett opted for a different analogy. “It’s sort of like what toxic mold was to real estate 25 years ago,” he said. “Toxic mold was a concoction of the media and trial lawyers. But I know as an apartment-building owner for years and years, we were all frightened to death of toxic mold. You could lose your building; they would shut you down. The guys with spacesuits would have to come in, and it was this whole sort of theater. And in the end, there really wasn’t toxic mold. There was mold that was bad, and there were cases where there were infestations of mold.” But the issue wasn’t as widespread or urgent as it was made out to be, he said. He continued: “When you try to say, ‘Everything is the worst,’ you lose the argument. You lose people.”

“So when you apply that to Champlain Towers?” I asked.

“I think that it goes back to the fact that we don’t know why the building fell down,” he said. “And it leaves us with many unknowns, and it allows the imagination to race and go into places where it never would have otherwise gone. And imagine all kinds of terrible things.”



South of Bal Harbour Beach. Andrew Moore for The New York Times, with drone assistance from Jake Butters.

While the local press has been busy tracking every new flap in the Burkett and Salzhauer saga — the mayor recently made the Miami New Times’s 2021 list of Worst People of the Year — a different and far more consequential legal battle has been playing out at the state level.

A couple weeks after the fall of Champlain South, a task force was convened by the Florida Bar to discuss potential changes to condo law in the state. Bill Sklar, the longtime condo lawyer, had been named chairman. “I’ll give you the one-minute conclusion: Unlike commercial buildings, unlike office buildings, unlike city and county buildings — unlike residential buildings — condo associations have no standardized, baseline maintenance protocol,” Sklar told me. “No inspection standard

or requirement,” in Miami-Dade and Broward Counties outside the 40-year recertification program. “Too much is being left up to chance.”

Among the recommendations collected by Sklar’s task force are an inspection schedule for condo boards; standardized maintenance protocol; and a mandatory minimum reserve for every Florida condo. Although there is no reason to believe that “any significant percentage” of the state’s condos are “not well maintained,” the report reads, “the Task Force finds the lack of uniform maintenance standards or protocols, and the broad discretion given to boards to determine when, how and if life-safety inspections and necessary repairs should be performed, requires legislative intervention.”

Crucially, the most potentially controversial aspect of the Florida Bar’s report — the mandatory minimum reserve — was not given the same priority by the authors of a different report published last fall, this one from the government of Broward County. For good reason, says Steven Geller, who is serving as the task force’s chairman: A minimum-reserve statute would be unlikely to pass. “You’ve got to understand that I’ve been through this,” Geller told me. “I’ve watched mandatory-reserve legislation get introduced. I’ve watched them fail. There are a lot of people in this state who believe that Big Government — that’s pronounced ‘Big Gummint’ — shouldn’t be telling them what to do in their ‘castle.’ And then you’ve got the lobbies and law firms. You’ve got to go in with what will actually pass, and anything that’s seen as draconian isn’t going to cut it.”

On the off chance something substantive does make it through the Florida Legislature, it would still have to go to Gov. Ron DeSantis for a signature. “And that’s a long shot,” says Jason

Pizzo, a state senator whose district encompasses Surfside. “The governor, I’m guessing, would not like to deal with any of this during the 2022 election cycle. We’ve got millions of people vacationing in Florida in condos, and if you start taking harsher measures, that could get costly and unpopular.” In recent years, Pizzo has introduced several bills trying to tighten and reform condo codes in the state; none of the legislation has even made it to committee. Still, Pizzo has pressed forward with a new bill, called S.B. 880, that would require condo associations to regularly post inspection results to the building’s website and to respond rapidly and in full to any resident requests for additional safety-related information. It hasn’t been scheduled for a vote.

Pizzo, who told me that it was the “worst kept secret in the world” that lobbyists had used their influence to scuttle previous bills, was realistic about the root causes of the predicament in which Florida finds itself: It will take money to prevent another Champlain Towers South and money to ensure all older condos in the state meet code. And no one is racing to open their pockets. “You come out of a tragedy like this, and it’s absolute outrage, and people are furious,” Pizzo told me. “I can see a world in which policymakers and legislators get together and say, ‘Hey, guess what, we’ve got a solution, and it’s the following: You’re going to have to pay an extra \$120 a year to your condo association.’ And people just go, ‘Screw that!’”

One recent afternoon, I had coffee with a Surfside resident named Robert Lisman, who lives with his wife and their young children in Champlain Towers East, a smaller, newer cousin building to the South and North towers. Lisman had been following the progress of bills like Pizzo’s carefully. “The thing I keep hoping is that what we’ve just been through — nearly 100 people who fell asleep and had a building fall on them — is

enough of a nightmare to bring change,” he told me. But echoing Salzhauer’s sentiments, he added that he sensed a lot of “forgetfulness happening.”

In late June, just days after the collapse of Champlain Towers South, Lisman tracked down the building manager for Champlain East and asked if anyone had reported any problems with his tower. He told me the building manager paused, as if he was considering how to respond. “Finally, he goes, ‘All right, come with me.’” Lisman said. “We go down to the garage.” The manager pointed to a column, which was sufficiently cracked to expose a few tendrils of rebar. Lisman stared. Residents of Champlain South, he knew, had also complained about damage to the columns in their garage. “But the manager said: ‘Don’t worry. I called a structural engineer, and he said for me to hit it with a hammer, and if it sounds hollow, you’ve got a problem,’” Lisman recalled. The column wasn’t hollow, the manager said. He asked Lisman not to cause alarm among other residents.

A few days later, Lisman persuaded James McGuinness to have the column inspected; the walk-through, conducted by Allyn Kilsheimer, revealed “nothing that indicated the possibility of immediate collapse.” But as Kilsheimer stressed to me, he does not have the ability to see through concrete. A walk-through was just that — it was no stand-in for a substantive analysis. When an engineering firm hired by the Champlain East Board finally issued its own report, it left Lisman with more questions than answers. The building appeared generally sound, the firm said. But residents only had access to preliminary reports, and at board meetings, the board members, accompanied by a lawyer for Becker, “only talked about the good parts,” Lisman said. “If they have nothing to hide, they should be able to speak and be transparent to residents.” Lisman is now part of a class-action lawsuit filed against Champlain Tower East’s board; the suit,

which he declined to discuss in-depth, claims that the condominium board has neglected upkeep of the building, thus devaluing the worth of the individual units. (Champlain Towers East did not respond to requests for comment.)

For now, Lisman, like thousands of condo-unit owners across the state, finds himself stuck in a nightmarish predicament — one with profound personal and financial implications. To give up on Champlain Towers East and move to a newer building on the South Florida coast would almost certainly be restrictively expensive: Median house prices are soaring; the real estate market is sloshing with investor cash. But the dangers of staying put are potentially even greater. Because not only does staying mean jousting with a recalcitrant board protected by expensive lawyers or being saddled with repair bills the reserve funds are unable to cover, it also means accepting the twinned threats of climate change and rising tides. It means living in an aging building on an artificially widened sandbar that erodes a little more every year. It means *risk*, not just of losing your home but maybe even of dying in it, in another unspeakable tragedy. “When we bought the unit, we thought we’d live there forever,” Lisman says. “And then one day, I’d give the apartment to my kids. The idea of leaving or moving out wasn’t something that ever crossed my mind,” he says. “At this exact moment, I’m determined to stay. But five years down the line? Ten years? That I can’t tell you.”



The city estimates that the cost of protecting Miami from rising tides over the next 40 years will total nearly \$4 billion. Andrew Moore for The New York Times, with drone assistance from Jake Butters.

Top video by Andrew Moore for The New York Times, with drone assistance from Jake Butters.

Matthew Shaer is a writer at large for the magazine and an Emerson fellow at New America. **Andrew Moore** is a photographer known for his photographic series, including work made in Cuba, Russia, Bosnia and the American South. He is currently working on a project about the Hudson River Valley, to be shown at the Yancey Richardson Gallery in 2023.

Additional design and development by Jacky Myint.

The Surfside Building Collapse

On June 24, 2021, half of a 13-story beachfront condo near Miami crumbled in what was one of the deadliest building collapses in American history.

- The catastrophic building failure at Champlain Towers South left [98 people dead](#) and triggered [investigations](#) that could last years.

- The Times created a [3-D model of the tower](#) to show how faulty design and construction could have contributed to the building's collapse.
- The team that developed Champlain Towers built the condos despite [checkered pasts and a controversial last-minute change](#).
- A fight is underway in Surfside over the inevitable question that follows a tragedy: [What should be done with the place where such horror occurred?](#)