

Introduced by: _____

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF PASADENA AMENDING PASADENA MUNICIPAL CODE TITLE 14, CHAPTER 14.16 TO AMEND THE OCCUPANCY INSPECTION PROGRAM AND ADDING A NEW CHAPTER 14.17 ENTITLED "PRESALE SELF-CERTIFICATION PROGRAM"

The People of the City of Pasadena ordain as follows:

SECTION 1. This ordinance, due to its length and corresponding publication costs, will be published by title and summary as permitted by Section 508 of the Charter of the City of Pasadena. The approved summary of this ordinance is as follows:

"Summary

Ordinance No. _____. The ordinance amends Pasadena Municipal Code Title 14, Chapter 14.16 to amend the Occupancy Inspection Program and adds a new Chapter 14.17 entitled "Presale Self-Certification Program." Ordinance No. _____ shall take effect upon publication by title and summary. The full text of the ordinance is on file in the Clerk's Office."

SECTION 2. Title 14, Chapter 14.16 – Certificate of Inspection, is amended to read as follows:

"Chapter 14.16 QUADRENNIAL CERTIFICATE OF INSPECTION

14.16.010 – Short title.

This chapter shall be known as the "Quadrennial inspection ordinance."

14.16.020 - Definitions.

A. "Administrator" means the housing and neighborhood services administrator of the planning, housing and development services department of the city.

B. "Occupant" means any person who occupies a unit, whether as an owner, or tenant or permittee of the owner.

C. "Owner" means the person in whom the title to property is vested or that person's agent.

D. "Person" means an individual, partnership, corporation or association, or the rental agent of any of the foregoing.

E. "Quadrennial certificate of inspection" means a permit valid for four years issued to owners of multifamily residential projects of three or more units, including boarding or rooming houses.

~~F. "Certificate of inspection" means a certificate is valid until a change of occupancy and/or ownership occurs, and required for single-family units or projects of two units when such units are sold, rented, leased or exchanged.~~

~~G. "Temporary certificate of inspection" means a certificate is valid for up to 6 months issued to an owner, in the discretion of the administrator or his designee, when the units in question are in substantial compliance with this code and the owner is making good faith efforts to correct deficiencies.~~

~~H F.~~ For purposes of this chapter a "Boarding or rooming house" means a house where 3 or more rooms up to 5, are provided for rent."

14.16.030 - Required.

No person shall occupy, ~~change the use of or sell, exchange, rent, lease or otherwise permit~~ any multifamily residential unit, or room within a boarding house without a valid ~~which is hereafter vacated by the occupant hereof to be reoccupied until a certificate of inspection,~~ Quadrennial certificate of inspection or

~~temporary certificate of inspection is issued by the administrator, as hereinafter provided.~~

~~A. With respect to single-family units and duplexes, such inspection shall occur each time the unit is sold, rented, leased or exchanged.~~

B. With respect to multifamily residential units and rooming or boarding houses, each unit shall be inspected no less than once every 4 years.

14.16.040 - Application—Filing.

A. Prior to the occupancy of a multifamily residential complex or boarding house, the Owner shall file a Business License application for Residential Rental Accommodations.~~The owner shall file with the administrator, prior to the sale or occupancy of the premises, a written application for a certificate of inspection on a form to be prescribed by the administrator, accompanied by the fee therefore. The application process must be completed within 6 months of initiation or an additional application fee shall be required.~~

B. The application fee covers one inspection of the site. Additional fees shall be charged for second or subsequent inspection visits.

14.16.050 - Inspection and issuance.

After ~~the application for a certificate of inspection is filed with the city and~~ an inspection date is scheduled, the administrator shall cause an inspection of the unit(s) to be made for compliance with the city's housing code, zoning plan and code, and other ordinances of the city related to the health and safety of residents. If the unit(s) is in compliance with said codes and ordinances, the administrator shall issue a Quadrennial certificate of inspection.

14.16.060 - Contents.

The Quadrennial certificate of inspection shall state:

- A. The date of issue;
- B. The legal use and occupancy of the unit;
- C. The address of the building and/or unit;
- D. The name of the person to whom it is issued; and

E. The certification that the unit complies with the provisions of applicable codes and ordinances.

14.16.065 - Certificate void.

A. The Quadrennial certificate of inspection shall be void upon a change of use of the unit to a nonresidential use.

~~B. In the case of single-family units or duplexes, the certificate of inspection shall be void after the occupant vacates the premises.~~

~~C. In the case of multifamily residential projects consisting of 3 units or more,~~ The Quadrennial certificate of inspection shall be void 4 years after the date appearing on the certificate of inspection.

14.16.070 - Time limit for compliance.

Where an inspection discloses such unit is not in compliance with said codes and ordinances, the administrator shall give written notice of each deficiency to the owner. No Quadrennial certificate of inspection shall be issued to the owner until all deficiencies are corrected. ~~A temporary certificate of inspection may be issued to the owner for a time period specified on the certificate if the units in question are determined by the administrator to be in substantial compliance with the city's code and the owner makes a showing of good faith efforts to correct all deficiencies.~~ If the owner fails to correct all the deficiencies within the time specified on the ~~temporary certificate of housing~~ inspection report, ~~or within 6 months of the initial application~~, the case shall be referred to the code enforcement appeals commission or to the city prosecutor's office for appropriate action, depending on the seriousness of the violation.

14.16.100 - Owner responsibility for inspection.

The owner shall be responsible for making the unit available for inspection by city.

14.16.110 - Appeals by aggrieved persons.

Any person aggrieved by the determination of the administrator under this chapter may appeal to the code enforcement commission in the manner provided in Section 14.12.120.

~~**14.16.120 - Vacant unit requires certificate prior to occupancy.**~~

~~No person shall permit a vacant unit to be occupied prior to the issuance of a certificate of inspection, quadrennial certificate of inspection or temporary certificate of inspection.~~

14.16.130120 - Adoption of rules and regulations.

The administrator shall promulgate written rules and regulations pertaining to the enforcement and implementation of this chapter. Such rules and regulations shall not become effective until they have been approved and ordered filed by the City Council. Any such rules and amendments thereto shall not take effect until they are so approved and filed after a public hearing therefor. Nothing herein shall prevent the administrator in emergency situations from taking such temporary action as is, in his judgment, within the spirit and intent of this chapter and adopted rules and regulations.

14.16.440130 - Housing code inspections.

Nothing herein contained shall prevent an owner or tenant from voluntarily requesting a housing code inspection and certificate at any time for the purpose of determining whether the premises complies with law.

14.16.150140 - Violation—Penalty.

A. Any person who violates any provision of this chapter is deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine not exceeding \$1000.00 or by imprisonment in jail for a period not exceeding 6 months, or by both such fine and imprisonment.

B. In addition to the penalty provisions in subsection A of this section, violation of Section 14.16.030 may be subject to the administrative proceedings set forth in Chapter 1.25 or 1.26 of this code.

SECTION 3. Pasadena Municipal Code, Title 14 (Buildings and Construction), is amended to add a new Chapter 14.17 as follows:

CHAPTER 14.17 PRESALE SELF-CERTIFICATION PROGRAM

14.17.010 Short title.

14.17.020 Definitions.

14.17.030 Required.

14.17.040 Report—Filing.

14.17.050 Eligibility for Presale Certificate of Completion.

- 14.17.060 Fee.
- 14.17.090 Presale Certificate of Inspection.
- 14.17.100 Certificate void.
- 14.17.110 Time limit for compliance.
- 14.17.120 Owner responsibility.
- 14.17.130 Buyer responsibility.
- 14.17.150 Adoption of rules and regulations.
- 14.17.160 Voluntary presale inspections
- 14.17.170 Violation—Penalty.

14.17.010 - Short title.

This chapter shall be known as the "Presale Self-Certification ordinance."

14.17.020 - Definitions.

A. "Administrator" means the director of the planning and community development department of the city or designee.

B. "Buyer" means the person entered into a contractual agreement to purchase the single family house, condominium, townhouse or duplex.

C. "Owner" means the person in whom the title to property is vested.

D. "Person" means an individual, partnership, corporation, association, or trustees.

E. "Presale Certificate of Completion" is a certificate required for the sale of a single family house, condominium, townhouse or duplex; the certificate is provided for properties that are eligible for self-certification.

F. "Presale Certificate of Inspection" is a certificate required for the sale of a single family house, condominium, townhouse or duplex; the certificate is provided for properties that require an inspection and are not eligible for self-certification.

G. "Transfer of Responsibility" is a document whereby the buyer acknowledges the municipal code violations identified on the housing inspection report, and agrees to correct the violations within 12 months after the Presale Certificate of Inspection is issued.

14.17.030 - Required.

With respect to a single family house, condominium, townhouse or duplex, a Presale Certificate of Completion or Presale Certificate of Inspection shall be required any time the property is sold.

14.17.040 – Application - Filing.

A. The Owner shall file with the Administrator, prior to the sale of the property, an application for a Presale Certificate of Completion for eligible properties. Such application shall be accompanied by payment of a fee and shall be signed by the Owner and Buyer; or

B. The Owner shall file with the Administrator, prior to the sale of the property, an application for a Presale Certificate of Inspection. Such application shall be accompanied by payment of a fee and shall be signed by the Owner.

14.17.050 – Eligibility for Presale Certificate of Completion.

A. Properties whereby any of the following conditions exist are not eligible for a Presale Certificate of Completion and require a Presale Certificate of Inspection:

a. Unpermitted addition(s);

b. Unpermitted conversion(s);

c. Unpermitted accessory structure(s) over 120 square feet; or

d. Non-compliance with fire protection, detection and exiting requirements.

B. Properties with any open code compliance case(s), are not eligible for a Presale Certificate of Completion and shall require a Presale Certificate of Inspection.

C. Properties whereby the actual square footage of the living area is 10% or greater than the square footage recorded with the Los Angeles County Tax Assessor are not eligible for a Presale Certificate of Completion and require a Presale Certificate of Inspection.

14.17.060 – Fee.

An application review and processing fee applies to applications for a Presale Certificate of Completion. For properties not eligible for a Presale Certificate of Completion, whereby a Presale Certificate of Inspection is required, the applicant will be subject to an inspection fee for each inspection required.

14.17.070 – Contents of application for a Presale Certificate of Completion shall be specified in the adopted Rules and Regulations.

14.17.080 – Presale Certificate of Completion.

The Administrator shall issue a Presale Certificate of Completion after receipt of an application that meets all requirements.

14.17.090 – Presale Certificate of Inspection.

Properties not eligible for a Presale Certificate of Completion will require a Presale Certificate of Inspection via City inspection. Upon completion of the City inspection the owner will be provided a housing inspection report that will identify any code violations that exist respective to Section 14.70.050 (A). The Administrator shall issue a Presale Certificate of Inspection for properties if code violations are not found or have been abated; or if the responsibility to correct unabated violations is transferred to the Buyer via a Transfer of Responsibility.

14.17.100 - Certificate void.

The Presale Certificate of Completion and Presale Certificate of Inspection shall be void under any of the following circumstances:

1. Upon a change of use of the unit to a nonresidential use;
2. Six months after the date appearing on the certificate;
3. After a change in ownership occurs; and
4. If utilized by a Person other than the Owner and Buyer listed on the certificate.

14.17.110 - Time limit for compliance.

A. Whereby a Transfer of Responsibility is required, and a Presale Certificate of Inspection is issued, the Buyer is responsible to abate the violation(s) within 12 months after the Presale Certificate of Inspection is issued.

B. The Transfer of Responsibility requires consent from the Buyer allowing the City to conduct an inspection within 18 months after the Presale Certificate of Inspection is issued.

C. Failure to correct all the violations within 12 months may subject the Buyer to enforcement actions, including referral of the case to the code enforcement commission or to the city prosecutor's office for appropriate action.

14.17.120 - Owner responsibility.

The Owner shall be responsible for completion and submittal of an application for a Presale Certificate of Completion or a Presale Certificate of Inspection.

14.17.130 - Buyer responsibility.

The Buyer shall be responsible for acknowledging receipt of the completed application by the owner for the Presale Certificate of Completion. In the event there is a Transfer of Responsibility, the Buyer must also provide consent for the City to conduct an inspection within 18 month after the issuance of the Presale Certificate of Inspection.

14.17.150 - Adoption of rules and regulations.

The Administrator shall promulgate written rules and regulations pertaining to the enforcement and implementation of this chapter. Such rules and regulations shall not become effective until they have been authorized by the City Manager. Nothing herein shall prevent the Administrator in emergency situations from taking such temporary action as is, in his judgment, within the spirit and intent of this chapter and adopted rules and regulations.

14.17.160 – Voluntary presale inspections.

Nothing herein contained shall prevent an Owner from voluntarily requesting an inspection and at any time for the purpose of determining whether the property contains any of the code violations provided in Section 14.70.050 (A).

14.17.170 - Violation—Penalty.

A. Any Person who violates any provision of this chapter is deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine

not exceeding \$1000.00 or by imprisonment in jail for a period not exceeding 6 months, or by both such fine and imprisonment.

B. In addition to the penalty provisions in subsection A of this section, violation(s) of Section 14.17.110 may be subject to the administrative proceedings set forth in Chapter 1.25 or 1.26 of this code.

SECTION 4. The City Clerk shall certify the adoption of this ordinance and shall cause this ordinance to be published by title and summary.

SECTION 5. This ordinance shall take effect upon publication.

Signed and approved this _____ day of _____, 2019.

Terry Tornek
Mayor of the City of Pasadena

I HEREBY CERTIFY that the foregoing ordinance was adopted by the City Council of the City of Pasadena at its meeting held this ____ day of _____, 2019, by the following vote:

AYES:

NOES:

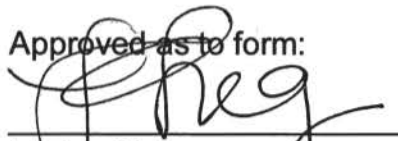
ABSENT:

ABSTAIN:

Date Published:

Mark Jomsky, City Clerk

Approved as to form:


Lesley Cheung,
Assistant City Attorney