



Ordinance Fact Sheet

TO: CITY COUNCIL

DATE: January 28, 2019

FROM: CITY ATTORNEY

SUBJECT: 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"

TITLE OF PROPOSED ORDINANCE:

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"

PURPOSE OF PROPOSED ORDINANCE:

This ordinance codifies changes to the Inspection Ordinance, limiting the scope of the Inspection Ordinance to solely apply to the Quadrennial Inspection Program and no longer include any provisions respective to the current Occupancy Inspection Program. There are no programmatic changes to the Quadrennial Inspection Program.

Furthermore, the ordinance also codifies a new Presale Self-Certification Program which will replace the Occupancy Inspection Program. Draft Presale Self-Certification Program Rules and Regulations are attached for information.

BACKGROUND:

On August 27, 2018, the City Council approved proposed amendments to Title 14, Chapter 14.16 of the Pasadena Municipal Code to streamline the Occupancy Inspection Program and to create a new Self-Certification Occupancy Inspection Program.

MEETING OF 01/28/2019
AGENDA ITEM NO. 18

REASON WHY LEGISLATION IS NEEDED:

The Occupancy Inspection Program is codified within Title 14 of the Pasadena Municipal Code and an ordinance is required to amend Title 14.

PROGRAM, DEPARTMENT, OR GROUPS AFFECTED:

The Code Enforcement Division of the Planning Department oversees all aspects of the Occupancy Inspection Program.

ENVIRONMENTAL:

The proposed amendment is exempt from the California Environmental Quality Act pursuant to CEQA Guidelines Section 15061(b)(3) because the program does not have the potential for causing a significant effect on the environment.

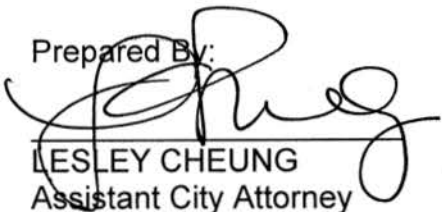
FISCAL IMPACT:

The proposed ordinance amendment should result in a savings to the City. The current Occupancy Inspection Program is a subsidized service as the fee does not cover the full cost of staff time to conduct the inspection, conduct necessary research and prepare a final report. The proposed fee for the Self-Certification Program will provide for full cost recovery.

Respectfully submitted,


MICHELE BEAL BAGNERIS
City Attorney

Prepared By:


LESLEY CHEUNG
Assistant City Attorney

Approved by:


STEVE MERMELL
City Manager

City of Pasadena

The following rules and regulations were promulgated pursuant to Section 14.17.150 of the "Presale Self-Certification Program Ordinance" and have been approved by _____
(City Manager) on _____.

PRESALE SELF-CERTIFICATION PROGRAM

RULES AND REGULATIONS

- I. **Applicability.** Prior to the close of escrow for the sale of a single family house, condominium, townhouse or duplex, the owner is responsible for obtaining a Presale Certificate of Completion or a Presale Certificate of Inspection.
 - A. A request for a Presale Certificate of Completion or Presale Certificate of Inspection may be obtained by completion of an application. Property conditions must meet eligibility requirements in order to qualify for a Presale Certificate of Completion.
- II. **Fees and Submittal.**
 - A. Applicable fees must be paid prior to review of applications. Fees are established by resolution and are subject to periodic adjustments.
 - B. Sidewalk Assessment Fees must be paid prior to the issuance of a Presale Certificate of Completion or a Presale Certificate of Inspection.
 - C. Submittal of an application for a Presale Certificate of Completion or Presale Certificate of Inspection shall be made at the Permit Center located at 175 North Garfield Avenue, Pasadena, CA 91101; or online.
- III. **Contents of Application for a Presale Certificate of Completion.**
 - A. Owner and buyer's contact information, including name, address, phone number and email address.
 - i. Contact information for the owner's agent and/or buyer's agent is required if the agent is signing the application for a Presale Certificate of Completion on behalf of owner and/or buyer.
 - B. Date of the inspection completed by the owner (required to occur within 60-days of application submittal).
 - C. Address of the property.
 - D. Type of dwelling unit (single family home, condominium, townhome, duplex).

E. The owner will be certifying whether any of the following conditions exist on the property:

- i. Unpermitted construction of living area space (e.g. room additions, enclosure of attached patios, detached units) – P.M.C. 14.12.320.
- ii. Unpermitted conversion to living area space (e.g. garage conversion, attic conversion, basement conversion) – P.M.C. 14.12.320.
- iii. Unpermitted construction of an accessory structure larger than 120 square feet (e.g. garage, large shed) – P.M.C. 14.12.320.
- iv. Non-compliance with required fire protection, detection and exit safety.
 1. Self-closing door between garage and dwelling (only applies to attached garages) – P.M.C. 14.12.670, PMC 14.04.010.
 2. Fire rated door separating garage and dwelling unit - PMC 14.12.670 & PMC 14.04.010.
 3. Functional opening and closing windows located in all bedrooms, quick release mechanism for barred windows - PMC 14.12.710, PMC 14.04.010.
 4. Functional carbon monoxide detectors located at common areas adjacent to bedrooms on each floor – PMC 14.12.580, PMC 14.04.010.
 5. Functional smoke detectors located in each bedroom and common areas adjacent to bedrooms – PMC 14.12.580, PMC 14.04.010.

F. Actual and Los Angeles County Tax Assessor's record of square footage:

- i. Actual square footage of living area at the time of inspection (excludes garage, accessory structures, etc.).
- ii. Los Angeles County Tax Assessor's record of square footage.

G. Signed affirmations required on the application for a Presale Certificate of Completion.

- i. Owner is affirming the information provided on the application is accurate.
- ii. Buyer is affirming that the owner has disclosed the information required on the application.
- iii. The agents for the owner or buyer shall not be authorized to sign the application unless an affidavit is provided which authorizes the agent(s) to sign the application on behalf of either party.

1. The affidavit, if provided, shall become an attachment to the Presale Certificate of Completion once issued.
- iv. If the property is banked owned/REO, a copy of the bank's listing agreement/assignment letter must be submitted with the application and signed by the agent named on the bank's listing agreement. Only person(s) listed on the listing agreement/assignment letter have signatory authority to sign the application.
- v. If the property is owned by a corporation, a copy of the articles of corporation/organization must be submitted with the application identifying all agents, officers and directors. Only person(s) listed on the articles of corporation/organization have signatory authority to sign the application.
- vi. If the property is owned by a trust, a copy of the trust must be submitted with the application identifying all the trustees and beneficiaries with the application. Only person(s) listed as trustees or beneficiaries have signatory authority to sign the application.

IV. Contents of Application for a Presale Certificate of Inspection.

- A. Owner contact information, including name, address, phone number and email address.
- B. Address of the property.
- C. Type of dwelling unit (single family home, condominium, townhouse, duplex).

V. Eligibility for Presale Certificate of Completion.

- A. Properties with any code violations respective to Section III (E) of the Rules and Regulations are not eligible for a Presale Certificate of Completion.
- B. Properties with any open code compliance cases are not eligible for a Presale Certificate of Completion.
- 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.

VI. Presale Certificate of Completion.

- A. A Presale Certificate of Completion will be issued upon receipt of the following:
 - i. Presale Certificate of Completion application that meets all requirements.
 - ii. Payment of application processing fees.
 - iii. Payment of sidewalk assessment fees.

B. The Presale Certificate of Completion shall be void upon any of the following conditions:

- i. Change of use to a nonresidential use.
- ii. Six (6) months after the date appearing on the Certificate.
- iii. Change in ownership occurs.

VII. Presale Certificate of Inspection. Properties not eligible for a Presale Certificate of Completion, as outlined in Section IV of the Rules and Regulations are required to obtain a Presale Certificate of Inspection.

A. A Presale Certificate of Inspection will require an inspection of the property and review of permit records to determine whether any code violations respective to Section III (E) of the Rules and Regulations exist.

- i. No violations found will result in the issuance of a Presale Certificate of Inspection.
- ii. If violations are found, the owner will be provided a housing inspection report identifying all violations. Violations found will require the owner to abate the violations or execute a Transfer of Responsibility with the buyer. Transfer of Responsibility is required prior to the issuance of the Presale Certificate of Inspection.

B. Transfer of Responsibility. A Transfer of Responsibility makes the buyer responsible to abate violations noted in the housing inspection report; and attached to the Presale Certificate of Inspection.

- i. The buyer is required to submit a permit application (when applicable) within 6 months of the issued date on the Presale Certificate of Inspection.
- ii. The buyer is required to abate violations within 12 months of the issued date on the Presale Certificate of Inspection.
- iii. The buyer is required to provide consent for the City to conduct an inspection within 18 months of the issued date on the Presale Certificate of Inspection.

C. Enforcement. If the buyer fails to correct all the deficiencies within 12 months, a code enforcement case will be opened, whereby the buyer may be subject to enforcement actions, including referral of the case to the Code Enforcement Commission or to the City Prosecutor's Office for appropriate action, depending on the seriousness of the violation.

D. The Presale Certificate of Inspection shall be void upon any of the following conditions:

- i. Change of use to a nonresidential use.

- ii. Six (6) months after the date appearing on the Certificate.
- iii. Change in ownership occurs.