

## 8.10.0 RESALE OF PROPERTY

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#### 8.10.010 Definitions. (2)

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For the purposes of this article, the following words and phrases shall have the meanings respectively ascribed to them by this section:

**Administrator.** The Chief Building Official, or designated representative, of the Community Development Department.

**Agent.** Any salesperson, broker, real estate agent, real estate broker, title insurance company, escrow company or any employer or agent thereof.

**Certificate.** A resale certificate.

**Person.** An individual, partnership, corporation or association, or the rental agent of any of the foregoing.

**Report.** Resale report of violations.

**Sale or exchange.** Refers to the transfer of title, change in ownership, sale, exchange, excluding acquisition by eminent domain, acquisition by threat of eminent domain, or acquisition by gift, intra-spousal transfer, addition or deletion of one owner to or from the title or inheritance.

**Unit.** A dwelling unit is any single-family, duplex, and/or tri-plex residential unit, or similar living accommodation, or as defined in the California Code of Regulations.

(Ord. No. 1749, § 1(part); Ord. No. 2220)

#### 8.10.020 Application fee. (3)

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Not later than fifteen (15) working days prior to close of escrow transfer of title or change in ownership or end of any inspection period stipulated by the Agreement of Sale of any unit, the owner, or his/her authorized representative, shall file with the Administrator a written application for a Report, or exemption, on a form to be prescribed by the Administrator and accompanied by the fee. The filing fee for the application for the Report or exemption from the resale inspection shall be established by Resolution of the City Council.

(Ord. No. 1749, § 1(part); Ord. No. 2220)

#### 8.10.030 Exemption from provision of this Article. (4)

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An owner, or authorized representative, must file an application, together with the fee, with the Administrator for exemption from the requirements of this Article for the sale and exchange of a unit.

The sale or exchange shall be exempt from the requirements of this Article if the following conditions are met:

(1) A Certificate has been issued and the City's on-site inspection was completed within five (5) years of the date of the close of escrow, and the Buyer is provided a copy of such Report prior to a sale or exchange, provided however, that no modifications have been initiated without a permit and which requires a permit; and

(2)There are no Reports for which Certificates have not been issued; and

(3)There are no outstanding building permits.

The owner shall provide the Buyer with a copy of the most recent Report.

(Ord. No. 1749, § 1(part); Ord. No. 2220)

#### **8.10.040 Inspection (5)**

Within five (5) working days after the application required by section 8.10.020 is received, the Administrator shall cause an inspection of the unit to be made for compliance with section 8.10.020 of this Article relating to health and safety standards for units.

(Ord. No. 1749, § 1(part); Ord. No. 2220)

#### **8.10.050 Contents of Report. (6)**

When an inspection has been completed, the Administrator shall issue a Report. The Report shall include:

- (a)The address of the building ;
- (b)The date of on-site inspection;
- (c)The date the inspection was completed;
- (d)Date of issue;
- (e)The itemization of all violations that are required to be corrected at this time;
- (f)Any informational Notice to Buyer; and
- (g)The following statement:

**NOTICE TO PROSPECTIVE BUYER:** You are hereby advised that the residential unit described in this Report has been found to have certain violations which are itemized herein. The itemized violations are those which are required to be corrected. You, as Buyer, will be required to correct within ninety (90) days of the sale or exchange the listed violations which are not corrected and reinspected or self-certified prior to sale of property, or in such time as determined by the Administrator. The scope of the inspection was limited, and some violations may exist that require correction but which the City does not reinspect following the correction. Other violations may, or may not, exist.

(Ord. No. 1749, § 1(part); Ord. No. 2220)

#### **8.10.060 Issuance of report. (7)**

The Administrator shall issue the Report within five (5) working days of completion of the inspection. The inspection shall be complete upon inspection of the property and receipt by the Inspector of all information reasonably requested.

(Ord. No. 1749, § 1(part); Ord. No. 2220)

**8.10.070 Validity of report. (8)**

A Report issued as a result of an inspection, pursuant to this Article, shall remain valid until the earlier of: (1) issuance of a Certificate; or (2) eighteen (18) months following a completed on-site inspection. Notwithstanding the previous sentence, a Report expires immediately upon any modification, alteration or addition to a unit done without a permit and which requires a permit. Nothing in this section releases a person owning any interest in a unit from correcting or remedying any violations.

(Ord. No. 1749, § 1(part); Ord. No. 2220)

**8.10.080 Report disclosure. (9)**

Prior to the sale or exchange of a unit, the owner shall provide the prospective Buyer of a unit a copy of the Report. The Buyer shall acknowledge receipt and the date of receipt of the Report on the original or a true copy thereof. A copy of the Report signed by the Buyer shall be filed by the Buyer with the Administrator within five (5) working days of the sale or exchange. Failure to file such Report within the above time, shall be a violation of this Article.

(Ord. No. 1749, § 1(part); Ord. No. 2220)

**8.10.090 Failure to execute. (10)**

It shall be a violation of this Article for any sale or exchange to be completed until a Report has been executed by the Administrator and Buyer as provided above.

Ord. No. 1749, § 1(part); Ord. No. 2220)

**8.10.100 Correction of violations. (11)**

If owner does not remedy the violations and obtain a Certificate, any Buyer or person owning any interest in a unit after a transfer of title or change of ownership shall correct any violations identified in the Report of violations within ninety (90) days of the sale or exchange, or in such time as determined by the Administrator.

(a) In the event correcting the violation involves a greater time period to correct, the current owner must submit a written request to the Administrator for an extension of time no later than 30 days prior to the initial deadline. The written request by the owner shall list the specific and factual circumstances beyond the control of the owner which have prevented the required action from being taken. The final decision to allow an extension, if any, shall belong solely to the Administrator.

(Ord. No. 1749, § 1(part); Ord. No. 2220)

**8.10.110 Contents of resale certificate. (12)**

When the unit is in compliance with the Davis Municipal Code, the Administrator shall issue a Certificate upon completion of inspection and correction of violations. The Certificate shall state:

- (a) The date of issuance;
- (b) The address of the building; and
- (c) The following statement:

NOTICE TO PROSPECTIVE BUYER: You are hereby advised that the residential unit described in this Certificate when issued was found to have no applicable code or ordinance violations or no code

or ordinance violations that required correction at this time. The scope of the investigation was limited and other violations may or may not exist. Some violations may have been corrected after inspection and the City may not have reinspected these items prior to the issuance of this Certificate.

(Ord. No. 1749, § 1(part); Ord. No. 2220)

### **8.10.120 Multi-family/other occupancy requirements. (13)**

Any residential unit other than those defined as "Unit", such as hotels, motels and apartment building with four or more dwelling units or similar, must complete a Other Occupancy Self Certification form, as prescribed by the Community Development Department, certifying that no modifications to said units have been made pursuant to the California Code of Regulations, Davis Municipal Code, and/or other any other laws enforced by the City. The Other Occupancy Self Certification form must be submitted to the Community Development Department prior to the close of escrow on the property.

(Ord. No. 1749, § 1(part); Ord. No. 2220)