

# Official Notice



To:  
All Interested Parties

From:  
City of Newman

RE:  
Residential Resale  
Inspection Program

Attachments:

1. Informational Flyer
2. Application Form

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# CITY OF NEWMAN

## **On February 9, 2010, the City of Newman City Council Adopted Ordinance No. 2010-2, establishing the *Residential Resale Inspection Program***

As stated in the Ordinance, the City Council is concerned about:

1. The existence of substandard dwelling units within the City of Newman that are not in compliance with the City's building, zoning and health and safety codes and/or the City's permitting requirements
2. The existence of substandard dwelling units could compromise the public peace, health and safety and quality of life for Newman residents

And is desirous of:

3. Drafting a comprehensive policy to heighten enforcement of its code requirements and bring dwelling units into compliance with the City's municipal code.

Therefore, effective on Thursday March 18, 2010, Title 5, Chapter 5.01.070 of the Newman City Code is amended to include the following definitions:

"Agreement of sale" means any agreement or written instrument which provides that title to any property shall thereafter be transferred from one owner to another owner, including a lease with option to buy.

"Buyer" means any person, copartnership, association, corporation, fiduciary, or other legal or business entity which intends to sign an agreement or instrument which on its face appears to be legally binding or is intended to be legally binding, subject to specified conditions. Such agreement or instrument shall include, but is not necessarily limited to, a deposit receipt, seller's instructions, contract of sale, exercise of option to buy, or executed deed when there is no prior written agreement.

"Owner" means any person, copartnership, association, corporation, fiduciary, or other legal or business entity having legal or equitable title or any interest in any residential property.

"Residential property" means any unimproved or improved real property or portion thereof situated in the City limits, designed or permitted to be used for dwelling purposes, and shall include any/all additional buildings and structures located on said real property. This includes any real property being offered for sale, trade, transfer, or exchange as residential, whether or not it is legally permitted and/or zoned for such use.

"Seller" means any person, company, partnership, association, corporation or fiduciary having legal or equitable title of any interest in the property or the designated representative of the seller.

### **AND**

A new section 5.23.160 entitled "Residential Resale Inspection Program" is added to Title 5, Section 5.23 General Regulations, Conditions and Exceptions, of the Newman Municipal Code:

#### **Residential Resale Inspection Program**

A. Intent. The City Council of the City of Newman finds that citizens and potential property owners need information about property proposed for sale or transfer in order to protect their safety and legal interest during the sale or transfer of property. It is one of the purposes of this section to assist in, but not guarantee, the disclosure of information from City records about real property within the City. It is also the purpose of this section to assist the City in abating public nuisances and enforcing established building and zoning ordinances by identifying properties in violation of the City codes.

B. Disclosure Report Required. Prior to the close of escrow or transfer of title for sale or exchange of any residential real property, the seller or his/her designee shall obtain, from the City, a Residential Resale Inspection report that describes

the legal use, occupancy, zoning classification and any potential code violations of such property and all other pertinent Information thereto.

C. Issuance of the Report. Upon application of the seller or his/her designee on a form prescribed by the City and the payment of a fee established by resolution of the City Council (currently set at \$120.00); the Community Development and Building departments shall review pertinent City records insofar as they are available, inspect the exterior of the subject property after the receipt of a completed application, and make available to the applicant within ten business days a report which contains the following information about the subject property insofar as it is available as of the date the report is issued:

1. The street and assessor's parcel number;
2. The zoning classification as set forth in the Municipal Code;
3. The type of occupancy as indicated and established by permit of record;
4. A determination whether the property is located within a special flood hazard area and/or floodway.
5. Any apparent violations of applicable codes and regulations existing upon the subject property and its improvements which are of record or are revealed in the course of an exterior inspection by City.

Errors or omissions in said report shall not bind or stop the City from abating any dangerous defects on the property by legal action against the seller, buyer, or any subsequent owner. Said report does not address guarantee of the structural stability of any existing building, nor does it relieve the owner, his agent, architect, or builder from designing and building a structurally stable building which meets the requirements of adopted codes and ordinances. Said report shall be valid only as to the specific transaction for which the inspection and review of the records was made by the City, provided, however, that, in the event said transaction is not consummated, the report shall be valid for a period of 180 days on the condition that, if a subsequent transaction is arranged during that period, the property shall again be inspected by City and a supplemental report issued, if necessary, without charge to the owner.

D. Delivery of Report. The report shall be delivered by the seller to the buyer of the property prior to the close of escrow or transfer of the property. The buyer shall execute a receipt on a form furnished by the City and seller shall deliver either by hand delivery or first class mail said receipt to the Community Development Department or it's authorized representative as evidence of compliance with the provisions of this chapter.

E. Exceptions. The provisions of this chapter shall not apply to the following:

1. The first sale of a newly constructed and previously unoccupied residential building within six months after final inspection by the City.
2. Sales administered by courts of law; such as probate sales, sales on execution of a judgment, sales in bankruptcy, joint-tenancy terminations on account of death, transfer between spouses or between kindred of the first degree.

F. Sale or Exchange of Residential Property. No sale or exchange of residential property shall be invalidated solely because of the failure of any person to comply with any provisions of this section unless such failure is an act or omission which would be a valid ground for rescission of such sale or exchange in the absence of this section.

G. Penalties. In cases where the seller fails to provide the report in accordance with the provisions of this chapter, a penalty in an amount to be determined by resolution of the City Council shall be imposed upon seller. Any person violating any provisions of this chapter shall be guilty of an administrative violation.

H. Enforcement. Code violations and abatements shall be addressed/administered as per Chapter 8.06 of the Newman Municipal Code.

I. Nonliability of the City. The issuance of the residential resale report is not a warranty or representation by the City that the subject property or its present use is or is not in compliance with the law. The City does not represent or warrant that the information contained in the report will be complete and/or accurate. Neither the enactment of this chapter nor the preparation of and delivery of any report required hereunder shall impose any mandatory duty upon the City to completely and accurately inspect the exterior of said subject property, report the information from its records or impose any liability upon the City for any errors or omissions contained in said report. All persons receiving report should independently verify the information contained therein before relying upon it.



## CITY OF NEWMAN

### Application for Residential Resale Inspection

APPLICANT INFORMATION		
PROPERTY OWNER NAME	REPRESENTATIVE/REALTOR NAME	
MAILING ADDRESS	CA DRE LICENSE NUMBER	
CITY                      STATE                      ZIP	COMPANY/FIRM	
ADDRESS OF PROPERTY BEING SOLD (If Different)	MAILING ADDRESS	
CITY                      STATE                      ZIP	CITY                      STATE                      ZIP	
OWNER OCCUPIED? <input type="checkbox"/> Yes <input type="checkbox"/> No	E-MAIL ADDRESS	
VACANT? <input type="checkbox"/> Yes <input type="checkbox"/> No		
E-MAIL ADDRESS	AREA CODE/PHONE NUMBER	
AREA CODE/PHONE NUMBER	AREA CODE/FAX NUMBER	
PROPERTY INFORMATION		
Nearest cross street?		
# of Bedrooms _____	# of Bathrooms _____	SFR? <input type="checkbox"/> Yes <input type="checkbox"/> No
Garage? <input type="checkbox"/> Yes <input type="checkbox"/> No	Accessory Building(s)? <input type="checkbox"/> Yes <input type="checkbox"/> No	Special Features? <input type="checkbox"/> Yes <input type="checkbox"/> No If yes, please elaborate below ↓.
Detached? <input type="checkbox"/> Yes <input type="checkbox"/> No		
NOTES		
Should you have any questions or concerns about the subject property, please use the following space for your comments.		

**Submit Completed Application and \$120.00 Application Fee To:**  
 City of Newman Building Department - 926 Fresno Street, Newman, CA 95360  
 (209) 862-1506 PH • (209) 862-1079 FAX

**IMPORTANT INFORMATION, PLEASE READ:**

This application is for a Residential Resale Inspection on residential property to be sold or transferred in ownership. An inspection must be completed prior to transfer of title (closing). The property can be inspected anytime during the selling process, however it is recommended that the inspection be done prior to listing/advertising the property for sale. Arranging for the inspection is the responsibility of the owner or owner's representative.

Inspections are done to ensure that potential buyers protect their welfare and legal interest during the sale or transfer of property in addition to assisting the City in abating public nuisances and enforcing established building and zoning ordinances by identifying properties in violation of City code(s). (NMC §5.23.160.A)

**Delivery of Report**

The report shall be delivered by the seller to the buyer of the property prior to the close of escrow or transfer of the property. The buyer shall execute a receipt on a form furnished by the City and seller shall deliver either by hand delivery or first class mail said receipt to the Community Development Department or it's authorized representative as evidence of compliance with the provisions of NMC §5.23.160.D.

**Nonliability of the City**

The issuance of the residential resale report is not a warranty or representation by the City that the subject property or its present use is or is not in compliance with the law. The City does not represent or warrant that the information contained in the report will be complete and/or accurate. Neither the enactment of this chapter nor the preparation of and delivery of any report required hereunder shall impose any mandatory duty upon the City to completely and accurately inspect the exterior of said subject property, report the information from its records or impose any liability upon the City for any errors or omissions contained in said report. All persons receiving report should independently verify the information contained therein before relying upon it (NMC §5.23.160.I).

**I hereby understand and agree to the aforementioned set forth by the NMC §5.23.160**

**INITIALS:** \_\_\_\_\_

**I hereby apply for a Residential Resale Inspection and I acknowledge that the information above is complete and accurate and that any/all necessary compliance work will be completed per all applicable codes and ordinances. The foregoing information is true and correct to the best of my knowledge and belief. The undersigned hereby acknowledges the requirements as set forth in the Newman Municipal Code and agree to comply with all County and State Laws. (BOTH MUST SIGN)**

\_\_\_\_\_  
**APPLICANT SIGNATURE**

\_\_\_\_\_  
**PROPERTY OWNER SIGNATURE  
(If Different Than Applicant)**

**For Office Use Only:**

Applicant/Property Owner Signature(s)?  
 Yes  No

Inspection Date: \_\_\_\_\_  
Pass?  Yes  No

Is application complete?  
 Yes  No

Re-Inspection Date: \_\_\_\_\_  
Pass?  Yes  No

Receipt #: \_\_\_\_\_

Date Report Provided to Owner/Applicant: \_\_\_\_\_

Inspection #: 20\_\_-\_\_

Proof of Delivery and Receipt of Report?  
 Yes  No