



Community Development Department

21815 S. Pioneer Blvd., Hawaiian Gardens, CA 90716
(562) 420-2641, x208

PROPERTY PRE-SALE INSPECTION REPORT PROGRAM

The City of Hawaiian Gardens is responsible for enforcement of the Hawaiian Gardens Municipal Code, which includes the City's Zoning and Building Codes. It is the intent of the pre-sale inspection program, in accordance with Ordinance No. 513 and California Government Code Sections 38780, et seq., to:

1. Protect prospective buyers and/or transferees of residential and commercial property within the City of Hawaiian Gardens against undisclosed restrictions on the use of property and illegal construction of additions, alterations or improvements prior to the sale or exchange of such property; and
2. To minimize potential hazardous life or safety conditions, promote the proper maintenance of housing and commercial establishments and improve property values.

It is important to note that the sale of residential or commercial property identified as having substandard conditions may only be executed if it is determined that the substandard conditions have been corrected or is in compliance with Section 16.08.080 to the satisfaction of the Community Development Director prior to the sale or exchange of any real property.

Except as otherwise permitted, it is unlawful for the owner of residential property or commercial property, or agent for the owner, to sell or exchange said property if any of the following exist:

1. Zoning or other major land use violations; or
2. Unpermitted structural additions, modifications or alterations, which are visible from a position external to the residential building structure or inside any garage or other nonhabitable or nonresidential structure including commercial properties.

PRE-SALE INSPECTION PROCESS:

The Pre-Sale Inspection Process is a City-mandated program that became effective in February 2007. The process is summarized below.

1. Within five (5) business days of the listing of a residential or commercial property in the City of Hawaiian Gardens, the agent, or owner if there is no agent, shall submit this application to the City (attached).
2. The property owner or agent for the owner will arrange for an inspection of the exterior of the residential or commercial building and the interior of any garage or other nonhabitable or residential structure on the property.

3. After inspection, and upon review of the pertinent City records, the City of Hawaiian Gardens will issue a disclosure report which will identify the property, its zone classification, authorized uses, discretionary approvals such as variances and conditional use permits, and any special restrictions applicable to the property. In addition, the report will identify the results of the visual inspection, including but not limited to, major land use violations, unpermitted additions, modifications or alterations.
4. If the disclosure report reveals violations on the property, the agent or owner shall cause the identified violations to be remedied, request a re-inspection, and if corrected to the satisfaction of the Director of Community Development, a Certificate of Correction shall be issued by the Director.
 - a. It should be noted that if the report reveals violations on the property, the Director may cause to be filed with the Los Angeles County Recorder, a declaration of substandard property giving notice that the property has been inspected and found to have violations on it, and that all owners of record have been notified. Subsequently if a Certificate of Correction is issued, the Director shall cause to be filed with the County of Los Angeles Recorder, a termination of the declaration of substandard property.
 - b. If the report reveals violations on the property, the owner may, in lieu of obtaining a Certificate of Correction prior to the sale or exchange of the property, submit a request to post funds with the City in an amount identified sufficient by the Director, for the correction of such violations. The Director will review the request, and shall either approve or deny the request in writing. If the request is approved, the Director shall specify the amount of money to be posted, the timeframe within which the funds must be posted, the form of payment, and the timeframe in which the violations must be corrected. If said violations are not corrected as required, the owner shall forfeit the funds and the City shall use said funds to effect correction of the violations.
5. No later than 21 days calendar days prior to the sale or exchange, the agent or owner shall deliver to the prospective purchaser a copy of the disclosure report, together with a Certificate of Correction or notification that funds have been posted with the City, if applicable. The purchaser shall execute a receipt for such delivery, and file the receipt with the Community Development Director a minimum of five (5) calendar days prior to the close of escrow.

EXEMPTIONS:

- A. The first sale of a newly constructed residential or commercial buildings or condominiums owned by the developer of the residential or commercial building; provided a report shall be required if the owner/developer rented the building for a total of eighteen months prior to the sale or exchange;
- B. Transfers pursuant to court order, including, but not limited to, transfers ordered by a probate court in administration of an estate, transfers pursuant to a writ of execution, transfers by a trustee in bankruptcy, transfers by eminent domain, or transfers

- C. Transfers to a mortgagee by a mortgagor in default, transfers to a beneficiary of a deed of trust by a trustor in default, transfers by an foreclosure sale after default, transfers by any foreclosure sale after default in an obligation secured by a mortgage, or transfers by a sale under a power of sale after a default in an obligation secured by a deed of trust or secured by any other instrument containing a power of sale, except when a sale or transfer occurs after a foreclosure;
- D. Transfers by a fiduciary in the course of the administration of a guardianship, conservatorship, or trust, except if such transfer is a sale to a third party;
- E. Transfers from one co-owner to one or more co-owners;
- F. Transfers made to a spouse, or to the issue of one or more of the transferors;
- G. Transfers between spouses resulting from a decree of dissolution of a marriage or a decree of legal separation or from a property settlement agreement incidental to such decrees;
- H. The sale or exchange of a manufactured dwelling (mobile home) to the extent that the rules and regulations are preempted by state law;
- I. Buildings or properties conveyed or acquired by the City.

FAILURE TO COMPLY:

Any person violating the provisions of this application shall be punishable as provided in Section 1.12.00 of the Hawaiian Gardens Municipal Code.

COST:

The cost for this report is \$265 and must be paid with the submission of the application. If this report is requested after the property has changed hands, the fee for the report will be increased by 50% of the original fee.

Selling Party

_____ Name		_____ Agent	
_____ Adresss	() Phone	_____ Address	() Phone
_____ City, St, Zip	() Alt. Phone	_____ City, ST ZIP	() Alt. Phone

Purchasing Party (if known)

_____ Name		_____ Agent	
_____ Adresss	() Phone	_____ Address	() Phone
_____ City, St, Zip	() Alt. Phone	_____ City, ST ZIP	() Alt. Phone

Pursuant to City of Hawaiian Gardens Ordinance No. 513, the undersigned does hereby apply for and allow an inspection and report of the below described property for compliance with building and zoning ordinances of the City of Hawaiian Gardens. It is also hereby understood that the City will perform an inspection of the property from a position external, including the interior of any garage or uninhabitable or nonresidential structure on the property indicated in the application.

Property Owner (Print Name)

Property Owner (Signature)

Date

Agent for Owner (Print Name)

Agent for Owner (Signature)

Date