

**City Of South St. Paul
Dakota County, Minnesota**

ORDINANCE NO. 1228

**AN ORDINANCE AMENDING CHAPTER 106 ARTICLE VI OF THE
SOUTH ST. PAUL CITY CODE OF 2007 RELATING TO
HOUSING INSPECTIONS PRIOR TO SALE**

The City Council of the City of South St. Paul does ordain:

SECTION 1. AMENDMENT. South St. Paul City Code Chapter 106 Article VI Sections 106-178 is hereby amended by adding the following definitions as follows:

Buyer. The person or persons to who takes title and possession of real property after a sale.

Seller. The person or persons who holds title and possession of real property prior to a sale.

SECTION 2. AMENDMENT. South St. Paul City Code Chapter 106 Article VI Sections 106-180 is hereby amended as follows:

Sec. 106-180. Exceptions.

The provisions of section 106-179 do not apply to:

- (1) Any newly constructed dwelling when title is transferred to the first owner.
- (2) The sale or other transfer of title of any dwelling to a public body.
- (3) The sale or transfer of title of any dwelling for the purpose of demolition.
- (4) The sale or conveyance of any dwelling by a sheriff or other public or court officer in the performance of their official duties. This exemption does not apply to the sale of a dwelling by a person appointed by a probate court.
- (5) The conveyance or transfer of title and possession to an immediate family member when no money or other consideration is exchanged.

SECTION 3. AMENDMENT. South St. Paul City Code Chapter 106 Article VI Sections 106-184 and 106-185 are hereby amended as follows:

Sec. 106-184. Duties of evaluators.

(a) Each evaluator shall comply with the following:

- (1) Maintain a current license from the city.
- (2) Conduct all evaluations pursuant to the Housing Evaluator's Code of Ethics and Standards.
- (3) Meet required continuing education requirements established by the city.
- (4) Keep the city apprised of such evaluator's current mailing address and telephone number.

(b) Each evaluator shall comply with the following procedure for preparing and filing reports:

- (1) The evaluation report shall be either typewritten or legibly printed in ink on forms furnished by the city. The report shall indicate whether the condition of the dwelling meets city requirements, is below city requirements, or is deemed to be hazardous at the time and date of the evaluation.
- (2) The evaluator shall submit the original evaluation report to the seller. A duplicate shall be filed with the city within ten calendar days after the evaluation has been made.
- (3) A filing fee as determined by the city council shall be required with each evaluation report filed with the city.

Sec. 106-185. Correction of hazardous items or conditions.

(a) In the evaluation report, the evaluator shall clearly identify any hazardous items or conditions, pursuant to the Housing Evaluator's Code of Ethics and Standards.

(b) No occupancy shall be permitted of any dwelling unit if vacant and a hazardous condition exists, unless a buyer signs a written acknowledgment as provided in 106-185 (e) .

(c) If a hazardous item or condition is identified in a dwelling unit, the seller shall have 30 days to correct the hazardous item or condition, unless an extension is granted by the Building Official. In the alternative, if the seller cannot correct the hazardous item or condition within 30 days, the buyer may assume responsibility for the corrections as provided in section (e).

(d) The seller is responsible for correcting all hazardous conditions, except when the buyer has assumed such responsibility as provided in section (e). When correcting identified hazards, all necessary permits shall be obtained from the city. Following corrections of any hazardous items, a reinspection must be conducted by a licensed housing evaluator that is different from the original evaluator to verify that the hazardous items have been corrected. If additional hazardous items are discovered during a reinspection, these shall be reported to the city and the original evaluator must file an amended report. The original evaluator shall be responsible for the costs associated with filing amended reports or any subsequent re-inspections due to the errors or omissions of the original evaluator.

(e) If a seller cannot correct the hazardous items within 30 days as stated in section (b) and the buyer desires to assume the responsibility for correcting the hazardous items and conditions, the buyer shall sign a written acknowledgment from the city. Such written acknowledgment must include:

- (1) The buyer's acceptance and assumption of responsibility for correcting the hazardous items and conditions within 30 days from the date of closing;
- (2) That the buyer understands that a reinspection to verify that the hazardous items and conditions have been corrected is required;
- (3) Evidence of financial ability to perform the corrections; and
- (4) That the buyer holds the city harmless from liabilities and claims if the buyer occupies the building prior to correction of the hazardous items and conditions.

(f) Failure of the seller or buyer to correct the hazardous items identified in a housing evaluation report is a violation of this ordinance.

(g) Failure of a seller to disclose to a buyer that there is an evaluation report identifying hazardous items is a violation of this ordinance.

SECTION 4. EFFECTIVE DATE. This Ordinance shall be in full force and effect from and after its passage and publication according to law.

Approved: _____, 2010

Published: _____, 2010

Attest:

Christy Wilcox, City Clerk