

Report Title: Residential Pre-Sale Inspections – Should Marin County Also Require Them?**Report Date: May 30, 2002****Response by: Rory Anne Walsh Title: Director of Planning and Building****FINDINGS**

- I (we) agree with the findings numbered: 1 – 5, 7, and 8
- I (we) disagree wholly or partially with the findings numbered: 6

See attached

RECOMMENDATIONS

- Recommendations numbered XXX have been implemented. None
(Attach a summary describing the implemented actions.)
- Recommendations numbered 2 and 3 have not yet been implemented, but will be implemented in the future.
See Attached
- Recommendations numbered XXX require further analysis. None
(Attach an explanation and the scope and parameters of an analysis or study, and a timeframe for the matter to be prepared for discussion by the officer or director of the agency or department being investigated or reviewed, including the governing body of the public agency when applicable. This timeframe shall not exceed six months from the date of publication of the grand jury report.)
- Recommendations numbered XXX will not be implemented because they are not warranted or are not reasonable. None
(Attach an explanation.)

Date: 8/23/02 Signed: _____

Number of pages attached: 2

City of Mill Valley
Response to Grand Jury Report
On
Residential Pre-Sale Inspections
Findings 6, 7, and 8
Recommendations 2 and 3

Findings

6. Based on a sampling of jurisdictions by the Grand Jury, it appears that the actual scope of the pre-sale inspections in many jurisdictions bear little relationship to the enabling legislation of the local Municipal Code and applicable provisions of State law. In many jurisdictions the process appears to have evolved over time without corresponding revisions having been made to the applicable Municipal Code.

Response: We cannot say that we agree completely with this finding as we have not done any review of other jurisdictions pre-sale inspection process or their respective Municipal Codes.

In Mill Valley, we have had enabling legislation since 1973 requiring pre-sale inspections prior to the exchange or sale of residential property within the City. The City Attorney will be reviewing our local ordinance in relation to State law over the next six months to determine compliance with State law or whether any modifications to our Municipal Code should be considered.

7. Currently the scope of pre sale inspections varies widely from jurisdiction to jurisdiction. This frustrates realtors who often work in multiple jurisdictions.

Response: The City of Mill Valley would be happy to participate in a process to review the various pre sale inspection reports and work toward a common process.

8. Costs to perform the inspection reports appear to be covered by the fees collected (thus the process is revenue neutral), and can be undertaken with minimum staff.

Response: Inspection and report preparation time is covered by the fees collected for the pre sale inspections and with our existing building division staff.

Recommendations

2. Because the actual scope of the inspection/reports in many of Marin's cities and towns appears to have little relationship to the enabling legislation of the local municipal code and applicable State laws, the cities and towns should have their City or Town Attorney's review existing practices and code provisions and make any appropriate revisions either to the codes or to the practice of the inspectors.

Response: The City Attorney will review the current ordinance language in relation to the State law within six months.

3. The jurisdictions that require pre-sale inspections should either establish a new study committee or utilize an existing organization such as the Marin County Codes Advisory group to meet with representatives of the Marin Association of Realtors to discuss the feasibility of standardizing the pre-sale inspection process.

Response: The City of Mill Valley would be happy to participate in a process to review the various pre sale inspection reports and work toward a common process within the time and funding constraints of all other City work underway.