City of Saint Paul Department of Safety and Inspections, Division of Code Enforcement

Truth-in-Sale of Housing Program

Chapter 189 of the Saint Paul Legislative Code requires all single family and duplex homes for sale in the city to have a Truth-in-Sale of Housing disclosure report prepared and available to prospective buyers.

The city, however, requires only one inspection (report) to be done and available on residential properties for sale. If the owner has a CURRENT letter of Code Compliance from the Department of Safety and Inspections Vacant Buildings Inspector, or a CURRENT Certificate of Code Compliance (only on rental properties) from the Saint Paul Fire Marshal's Office, then this other, CURRENT, document may be used and made available to prospective buyers in lieu of the Truth-in-Sale of Housing report; either the current Code Compliance or the current Certificate of Occupancy satisfies the requirements in this Ordinance, Chapter 189. If you use one of these other types of inspection reports, substitute the name of that report for "Truth-in-Sale of Housing" report throughout this flyer.

For the full text of the ordinance, go to: www.stpaul.gov, go to "Government", then "Safety and Inspections" to find the page, "Truth-in-Sale of Housing", then click on the link, Chapter 189 (Truth in Sale of Housing)

This Truth-in-Sale of Housing disclosure report must be conspicuously displayed at the premises for all prospective buyers to see. A valid disclosure report issued under the ordinance shall be provided to the buyer before or at the time of sale of the dwelling. <u>Disclosure reports shall be prepared and signed only by an independent evaluator who has been certified as a Truth-in-Sale of Housing evaluator under the ordinance.</u>

Failure to obtain a Truth-in-Sale of Housing disclosure report as required by Chapter 189 or failure to make that disclosure report available to prospective buyers, is a violation of law and is punishable as a misdemeanor carrying up to 90 days in jail and/or a \$1,000.00 fine.

WHAT THE DISCLOSURE REPORT IS NOT:

The report is not a V.A. or FHA appraisal or inspection.

It is not a technically extensive report. It is prepared through a visual inspection and is only a disclosure.

It is not a warranty or guarantee, expressed or implied, by the City or the independent evaluator, for any of the building's components or fixtures. The City does not guarantee or warranty the accuracy of the report.

The Truth-in-Sale of Housing disclosure report does not address formaldehyde, lead paint, any airborne gas (including radon), asbestos, fiberglass fiber, insect or animal pests, wells or septic tanks. The evaluator is not required to ignite the heating plant, use a ladder to observe the condition of the roof, evaluate inaccessible or concealed areas, disassemble or remove anything for the evaluation.

A Truth-in-Sale of Housing report cannot grant permission to occupy a registered vacant building, nor does it provide certification that the dwelling may be rented to tenants.

COMMONLY ASKED QUESTIONS:

WHAT IS A DISCLOSURE REPORT?

This disclosure report is an overview of the building components and fixtures. It is to inform prospective buyers of the observed condition of a dwelling at the time of the evaluation. The disclosure report is intended to provide basic information to the home buyer and the seller prior to the time of sale; it is not necessarily detailed information. Prospective buyers may also seek additional opinions from various experts in the home inspection field prior to purchase.

IS THE CITY GOING TO USE THE REPORT FOR CODE ENFORCEMENT?

A Truth-in-Sale of Housing report is "disclosure only", EXCEPT that the Fire Marshal's office will require the installation of at least one hard-wired smoke detector if there is none in the dwelling at the time of the Truth-in-Sale of Housing inspection. The Code Compliance report for vacant buildings and the Certificate of Occupancy issued by the Fire Marshal require some degree of code compliance and enforcement.

The V.A., FHA, or some other mortgage or finance company may demand certain codes or standards be met before a mortgage is approved; they have their own standards and while they may be similar, they may not be the same as those noted on the Truth-in-Sale of Housing disclosure report.

ARE ALL DWELLINGS INCLUDED?

One and two-family dwellings, town homes, condominiums and co-ops require a Truth-in-Sale of Housing disclosure report **whenever there is an intended change of ownership**. A Truth-in-Sale of Housing disclosure report must be done for Contract-For-Deed sales.

There are some exceptions to the requirement for a Truth-in-Sale of Housing disclosure report. They are:

- 1. Any newly constructed dwelling when title is transferred to the first owner.
- 2. The conveyance of title of the dwelling to a public body.
- 3. A dwelling with a valid Certificate of Code Compliance, or the orders from a Certificate of Code Compliance inspection, as set forth in Section 33 of the Saint Paul Legislative Code which shall be dated no earlier than one (1) year prior to its usage.
- 4. The sale or conveyance of any dwelling by a public or court officer in the performance of their official duties. This does not apply to the sale of a dwelling by a personal representative or guardian appointed by a probate court or a sale ordered by a probate court.
- 5. Any dwelling or dwelling unit covered by a current Certificate of Occupancy issued by the city fire department's fire prevention certificate of occupancy program.
- 6. The sale of a dwelling to a member of the current owner's immediate family: narrowly defined as one of the linear relationships between a parent, child, sibling and/or grandparent.
- 7. The building is going to be demolished within 365 days/1 year.

HOW LONG IS THE DISCLOSURE REPORT VALID?

The report is valid for one (1) year from the date on the report and is valid only for the owner named on the report, and for only one sale.

WHEN SHOULD THE EVALUATION BE DONE?

The ordinance requires an evaluation be done no later than three (3) calendar days after a dwelling is offered, listed or posted for sale, or other action intended to start the marketing process. It is the responsibility of the owner or the owner's agent and/or agent's broker to comply with these requirements.

HOW DO I CONTACT AN EVALUATOR AND WHAT WILL BE THE COST?

Evaluators are private contractors, not employees of the City. The City maintains a list of licensed Evaluators and provides this list (which includes telephone numbers for each evaluator) upon request. You may hire an Evaluator through a Realtor or agent as long as the evaluator you hire is licensed by the City of Saint Paul. The City will not recommend an Evaluator. You may request a list of licensed Evaluators by calling (651) 266-8989. You may print out a list of Evaluators by going to this website, Internet link: www.stpaul.gov, go to "Government", then "Safety and Inspections" to find the page, "Truth-in-Sale of Housing", click on the link, "List of Currently Licensed Evaluators". The City does not monitor, regulate, guarantee or set the fees charged by Evaluators.