

CHAPTER 9-3 CONDOMINIUM CONVERSION

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9-3-101. REPORT OF PROPERTY CONDITION.

(1) As an element of any application for a condominium which includes the conversion of existing structures, the owner or developer shall submit a Report of Property Condition which is intended to insure that the standards of the declaration appropriately address existing and future conditions related to maintenance, upkeep and operation.

(2) The report of property condition shall be submitted on a form provided by the City and shall contain the following information:

- (a) The age of the building or buildings, with copies of original building plans and a disclosure of whether or not the actual building conforms to the plans.
- (b) Condition of structural elements, including roof, foundations, walls, mechanical systems, electrical system, plumbing system and heating system. A plan showing which parts of the system are maintained in common and which are maintained by individual units.
- (c) Size of water service lines from meter to main and from main to buildings.
- (d) Size and location of sewer lateral.
- (e) Capacity of electrical service for each unit measured in amps.
- (f) Condition of paving materials on private streets, if any.
- (g) Condition of paving or surfacing material on driveways, parking areas, sidewalks, curbs, etc. Detailed plan of parking and traffic circulation.
- (h) Condition of paint and/or exterior surfaces of all buildings and structures.
- (i) All known conditions constituting deficiencies.
- (j) All known conditions which may require repair or replacement within the next succeeding five-year period.

The above report may be referred back to the applicant by the City for additional detail as is necessary to adequately evaluate the physical condition of the building, equipment and premises.

9-3-102. REPORT OF BUILDING OFFICIAL.

(1) At the time of submission of an application for a condominium which involves the conversion of any existing buildings, the Building Inspection Division shall make an inspection of the proposed condominium project to determine compliance with the life-safety provisions of the Uniform Building Code as adopted by the City.

(2) Prior to Planning Commission consideration of a condominium project involving conversion of existing buildings, the Building Inspection Division shall submit a report to the Community Development Director specifying any deficiencies of life-safety standards of the Uniform Building Code which are found to exist in the project. This report of the Building Inspection Division shall be submitted to the Community Development Director as an element of the "Report of Property Condition."

9-3-103. TENANT NOTICE OF CONVERSION.

(1) As part of the application for approval of a condominium project, when said project involves the conversion of an existing residential structure where the structure has been occupied by residential tenants prior to application for conversion, the owner/developer shall provide notice of intended conversion to said tenants by certified mail. This notice requirement shall not apply to non-residential structures or to a residential structure that was vacant upon acquisition and remained so during the year prior to filing of the developer's application for conversion; nor shall it preclude the approval of a project prior to the expiration date where every tenant has executed a waiver relinquishing his or her right of notice under this provision.

(2) The Notice of Conversion shall include the following:

- (a) The intention and plans for the conversion of the building to a condominium project;
- (b) The estimated dates of termination of occupancy by tenants which shall not be less than 90 days from the date of notice; and an indication of the approximate dates of construction which shall not be less than 120 days from the date of notice. Tenants shall be given first right to purchase their respective unit upon at least as favorable terms and conditions as said units are offered to the general public;
- (c) Relocation information for the tenants specifying available alternative housing relocation resource agencies and organizations, and a plan of any services to be voluntarily provided by the owner/developer.

9-3-104. SUBMISSION OF NOTICE VERIFICATION.

Prior to or in conjunction with submission of documentation for certification and recording, the owner or developer shall submit to the Community Development Department a copy of said notice together with a list identifying names and apartments or unit numbers, for all tenants within the condominium conversion project. The notice, copy and list shall also be accompanied by an affidavit certifying that all tenants within the condominium project have been personally delivered a copy of the notice or mailed said notices by registered, certified mail, and that the same were in fact delivered. The record of survey map shall not be recorded until said copy of notice, list, and affidavit have been received by the

Community Development Department and filed with the City Recorder.

9-3-105. PROTEST REVIEW PROCEDURE.

(1) When a tenant of a residential dwelling has received written formal notice of eviction without cause and without at least 90 days notice of conversion required above, and has reason to believe that notice was issued because of a proposed condominium project, he may, within 30 days of the date of the notice of eviction, initiate an appeal regarding the issue of property notice to the City Council on a form provided by the Community Development Department. The filing of such a protest shall stay the issuance of any approval or issuance of any permits for the structure in question for a period of not to exceed 30 days and the matter shall be set for hearing before the City Council. In such cases, approval shall not be stayed other than by order issued by the district court upon petition, notice and due cause being shown.

(2) Upon filing, a copy of the appeal form shall be forwarded to the West Valley City Housing Authority for relocation advice and assistance. Said agency shall, within 10 days, forward to the City Council a statement of its report and recommendation.

(3) Upon filing of an appeal, the Community Development Director shall institute an investigation to determine if the notice requirements set forth above were satisfied. He shall then report his findings to the City Council.

(4) The City Council shall fix a reasonable time for the hearing of the appeal, give due notice to the appellant and to the owner/developer of the condominium project, and shall, at said hearing, review said appeal together with agency and department reports, recommendations and related permit or subdivision applications, and shall decide the same within 30 days from the date of filing of the appeal.

(5) The City Council, with regard to the hearing of said appeals, may:

- (a) Enforce the attendance of witnesses, the production of books and papers, and administer oaths;
- (b) Direct municipal resources, if necessary, and appropriate to alleviate relocation hardships;
- (c) Hear and decide allegations of error in any order, requirement, decision or determination made by a municipal official in the performance of his duties as related to the above;
- (d) See that the laws and ordinances are faithfully executed and direct investigations accordingly;
- (e) Institute any appropriate actions or proceedings to prevent or punish persons from or for performing any act contrary to the Building and Zoning Ordinances of the City.
- (f) Impose reasonable conditions relating to the terms and conditions upon which the project will be approved which may include suspension of approval pending preparation and implementation of a reasonable relocation plan or services for tenants who have not been given proper notice, or denial of the application in which event the owner/developer may not reapply for 18 months from the date of denial.