

ORDINANCE NO. 1421

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PALM DESERT, CALIFORNIA UPDATING CHAPTER 5.11 DISCLOSURE UPON TRANSFER OF RESIDENTIAL PROPERTY AND MAKING A FINDING OF EXEMPTION UNDER CEQA.

City Attorney's Summary

The purpose of this ordinance is to amend Palm Desert Municipal Code Chapter 5.11 Disclosure Upon Transfer of Residential Propertius to include an additional disclosure statement notifying buyers of the City's short-term rental regulations.

THE CITY COUNCIL OF THE CITY OF PALM DESERT DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1. Amendment to Municipal Code. The City Council hereby adopts the updated Palm Desert Municipal Code Chapter 5.11 Disclosure Upon Transfer of Residential Propertius, attached hereto as Attachment "A."

SECTION 2. CEQA Exemption. The City Council finds that the updated short-term rental ordinance is exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15061(b)(3), known as the "common sense" exemption. This determination is based on the clear assessment that there is no possibility the ordinance may have a significant effect on the environment. The ordinance provides an additional residential disclosure without expanding land use or initiating new developments, thereby maintaining existing environmental baselines and prevents abrupt changes in land use intensity. The ordinance reaffirms current use regulations and does not alter existing physical environmental conditions or promote increased development, thus qualifying for the CEQA "common sense" exemption as it bears no potential for significant environmental impact.

SECTION 3. Severability. If any section, subsection, sentence, clause, or phrase of this ordinance is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance, and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared invalid.

SECTION 4. Posting and Publication. The City Clerk of the City of Palm Desert, California, is hereby directed to publish this Ordinance in the *Desert Sun*, a newspaper of general circulation, published and circulated in the City of Palm Desert, California, and shall be in full force and effective thirty (30) days after its adoption.

ADOPTED ON _____, 2024.

KARINA QUINTANILLA
MAYOR

ATTEST:

ANTHONY J. MEJIA
CITY CLERK

I, Anthony J. Mejia, City Clerk of the City of Palm Desert, California, do hereby certify that Ordinance No. 1421 is a full, true, and correct copy, and was introduced at a regular meeting of the Palm Desert City Council on October 24, 2024, and adopted at a regular meeting of the City Council held on _____, 2024, by the following vote:

- AYES:
- NOES:
- ABSENT:
- ABSTAIN:
- RECUSED:

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the City of Palm Desert, California, on _____.

ANTHONY J. MEJIA
CITY CLERK

ATTACHMENT "A"

CHAPTER 5.11

DISCLOSURES UPON TRANSFER OF RESIDENTIAL PROPERTY

§ 5.11.010. Statement required.

- A. Pursuant to Civil Code Section 1102.6a, in addition to those disclosures required by Civil Code Section 1102.6, the seller of any single-family residential property located within the city shall deliver to the prospective buyer a real estate transfer disclosure statement containing the following statement:

"Know Your Neighborhood: The City of Palm Desert maintains a website that provides important information on potential development throughout the City. The City recommends that you visit the website as part of your consideration in buying a home in the City. The website can be accessed at <https://www.cityofpalmdesert.org/departments/planning>. Alternatively, you can call the City's Development Services Department at (760) 346-0611, ext. 483."

- B. The real estate transfer disclosure statement required by this chapter shall be delivered at the same time as those disclosures required by Civil Code Section 1102.6 or as soon as practicable thereafter.
- C. For purposes of this section:
1. "City" means the city of Palm Desert, California.
 2. "Single-family residential property" means either of the following: (a) real property improved with one to four dwelling units, including any leasehold exceeding one year's duration of such; (b) a unit in a residential stock cooperative, condominium, or planned unit development; or (c) a mobile home or manufactured home when offered for sale or sold through a real estate broker pursuant to Business and Professions Code Section 10131.6.
 3. "Seller" means a transferor in a real property transaction, and includes an owner who lists real property with a licensee, whether or not a transfer results, or who receives an offer to purchase real property of which he or she is the owner from a licensee on behalf of another. "Seller" includes both a vendor and lessor of real property.
 4. "Buyer" means a transferee in a real property transaction, and includes a person who executes an offer to purchase real property from a seller through a licensee, whether or not a transfer results, or who seeks the services of a licensee in more than a casual, transitory, or preliminary manner, with the object of entering into a real property transaction. "Buyer" includes a purchaser, vendee, or lessee of real property.

§ 5.11.020. Form of statement.

The real estate transfer disclosure statement required by this chapter shall be in the following form in accordance with Civil Code Section 1102.6a:

LOCAL OPTION

REAL ESTATE TRANSFER DISCLOSURE STATEMENT

THIS DISCLOSURE STATEMENT CONCERNS THE REAL PROPERTY SITUATED IN THE CITY OF PALM DESERT, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA, DESCRIBED AS _____. THIS STATEMENT IS A DISCLOSURE OF THE CONDITION OF THE ABOVE-DESCRIBED PROPERTY IN COMPLIANCE WITH ORDINANCE NO. _____ OF THE PALM DESERT CITY CODE AS OF _____, 20_____. IT IS NOT A WARRANTY OF ANY KIND BY THE SELLER(S) OR REAL ESTATE LICENSEE(S) REPRESENTING ANY PRINCIPAL(S) IN THIS TRANSACTION, AND IS NOT A SUBSTITUTE FOR ANY INSPECTIONS OR WARRANTIES THE PRINCIPAL(S) MAY WISH TO OBTAIN.

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SELLER'S INFORMATION

The Seller discloses the following information with the knowledge that even though this is not a warranty, prospective Buyers may rely on this information in deciding whether and on what terms to purchase the subject property. Seller hereby authorizes any real estate licensee(s) representing any principal(s) in this transaction to provide a copy of this statement to any person or entity in connection with any actual or anticipated sale of the property.

THE FOLLOWING ARE REPRESENTATIONS MADE BY THE SELLER(S) AS REQUIRED BY THE CITY OF PALM DESERT, AND ARE NOT THE REPRESENTATIONS OF THE REAL ESTATE LICENSEE(S), IF ANY. THIS INFORMATION IS A DISCLOSURE AND IS NOT INTENDED TO BE PART OF ANY CONTRACT BETWEEN THE BUYER AND SELLER.

1. Know Your Neighborhood: The City of Palm Desert maintains a website that provides important information on potential development throughout the City. The City recommends that you visit the website as part of your consideration in buying a home in the City. The website can be accessed at <https://www.cityofpalmdesert.org/departments/planning>.
2. Buyer is advised that the property is subject to the City of Palm Desert's short term rental regulations contained in Chapter 5.04 of the Palm Desert Municipal Code, and is advised to review the City of Palm Desert's website regarding short term rentals. The website can be accessed at <https://www.palmdesert.gov/our-city/departments/planning/short-term-rentals>.

Alternatively, you can call the City's Development Services Department at (760) 346-0611, ext. 483.

Seller certifies that the information herein is true and correct to the best of the Seller's knowledge as of the date signed by the Seller.

Seller _____

Date _____

Seller _____

Date _____

II

BUYER(S) MAY WISH TO OBTAIN PROFESSIONAL ADVICE AND/OR INSPECTIONS OF THE PROPERTY AND TO PROVIDE FOR APPROPRIATE PROVISIONS IN A CONTRACT BETWEEN BUYER AND SELLER(S) WITH RESPECT TO ANY ADVICE/INSPECTIONS/DEFECTS.

I/WE ACKNOWLEDGE RECEIPT OF A COPY OF THIS STATEMENT.

Buyer _____

Date _____

Buyer _____

Date _____

A REAL ESTATE BROKER IS QUALIFIED TO ADVISE ON REAL ESTATE. IF YOU DESIRE LEGAL ADVICE, CONSULT YOUR ATTORNEY."