

**ADVISORY REGARDING THE CITY OF OAKLAND
POINT OF SALE SIDEWALK REPAIR ORDINANCE**

TEMPORARY ADVISORY: This Advisory is effective as of July 24, 2019 and is based upon information provided by the City of Oakland. It is anticipated that the City of Oakland will be providing updates and/or revising the Ordinance in the coming weeks and months.

Effective July 9, 2019, the City of Oakland requires sidewalk repairs of known, unsafe conditions between the prior to the Close of Escrow on the sale of real property (with some exceptions, such as probate sales) which abuts city sidewalks. "Sidewalk" as defined in the Ordinance includes, but is not limited to, sidewalks, walkways, driveways, curbs, and gutters and other areas. These repairs are also required whenever applying for any city approval for construction, remodeling, modification or alteration with estimated costs exceeding \$100,000.

The Oakland Sidewalk Repair Ordinance authorizes property owners to hire a contractor holding specified "A," "B" or "C-8" licenses and a current valid Oakland Business License to complete the repairs; the contractor would then submit a self-certification of sidewalk compliance under penalty of perjury to the City of Oakland. The City has a search function on their website at <https://www.oaklandca.gov/> to check on whether or not a licensed contractor has the requisite city business license. At some unknown point in time, City of Oakland construction inspectors would then perform random inspections to make certain that all necessary work has been completed.

The Ordinance went into immediate effect on July 9, 2019; however, on **July 19, 2019, the City of Oakland announced that for a period of 90 days (terminating on October 7th), a property owner can obtain a Provisional Sidewalk Compliance Certificate from the Oakland Department of Transportation (which requires a filing and processing fee). This process would enable Buyers and Sellers to close escrow and delay making the necessary sidewalk repairs but the repairs would still need to be fully completed on or before October 7, 2019, unless the City further amends the Ordinance which cannot be guaranteed.**

The attached material from the City of Oakland does not answer what effect these requirements will have on property sales that cannot comply with the Ordinance prior to the expiration of the Provisional Certificate and/or the scheduled Close of Escrow including, but not limited to, the extent the City will allow Sellers to transfer the repair responsibilities to the Buyer, the applicability of the Ordinance to the sale of Common Interest Developments (where there is an HOA), and the potential damage to street trees. It is also unknown to what extent the City may consider making exceptions for hardship situations and/or what process may be needed to secure such exceptions.

Real Estate Brokers and Agents are not qualified to determine the need for, or the cost of, sidewalk repairs and/or provide legal advice or interpretations of this Ordinance and/or compliance requirements for any given Property. Sellers and Buyers are urged to carefully review the entire Ordinance passed by the Oakland City Council which may be accessed online at: <https://oakland.legistar.com/View.ashx?M=F&ID=7545820&GUID=55B024DD-9AD4-46B8-AE75-7B3A21DABADF>

Sellers and Buyers are also advised to consult with their own qualified California real estate attorney regarding this Sidewalk Repair Ordinance, its compliance requirements and/or questions regarding how to proceed with a purchase and sale transaction that may be impacted by this Ordinance.

This Advisory may be signed in counterpart. The undersigned acknowledge receipt of this 1 page Advisory and the attached 2-page FAQ created by the City of Oakland.

SELLER/BUYER: _____

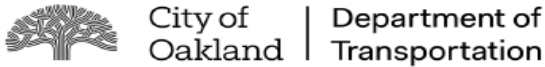
Date: _____

SELLER/BUYER: _____

Date: _____

CITY OF OAKLAND FAQ on Sidewalk Repair Ordinance

The following is the FAQ created by the City of Oakland, including the City's Chart regarding the steps required for compliance which can be found on line at <https://www.oaklandca.gov/resources/title-transfer-ordinance-faq>. Brokers and Agents have not and will not verify or otherwise investigate the information supplied by the City of Oakland. Sellers and Buyers should investigate.



Frequently Asked Questions about Sidewalk Certification for Property Sellers and Buyers

Notice

In response to concerns expressed by property buyers, sellers, and industry professionals, OakDOT will provide temporary relief from the sidewalk certification requirement in the form of a Provisional Sidewalk Compliance Certificate. The provisional certificate will be valid—in place of a standard Sidewalk Certificate of Certificate—for a period of 90 days, starting on July 9, 2019.

The property owner affirms that, before the end of the 90-day period, they will complete the steps necessary to secure a standard sidewalk certification.

Failure to comply will result in an OakDOT inspection, and further civil penalties may ensue, up to and including a lien on the subject property.

Property owners interested in a Provisional Sidewalk Compliance Certificate should visit the OakDOT Permit Office at 250 Frank H Ogawa Plaza, 4th Floor (510) 615-5566.

Effective July 9, 2019: Before a title transfer may be completed, property owners must complete an inspection, and any necessary repairs and upgrades, to bring abutting sidewalks into compliance. (Oakland Municipal Code Chapter 12 Section 12.04.380)

Does this apply to me?

This City Council ordinance applies to property owners who are selling, buying, or renovating property in Oakland. Some exceptions include property transfers during the administration of a decedent's estate, transfers between co-owners, transfers to trusts, transfers to a spouse or registered domestic partner (including in the event of marriage dissolution or separation), or transfers as a result of a foreclosure or similar process.

How do I certify my sidewalk?

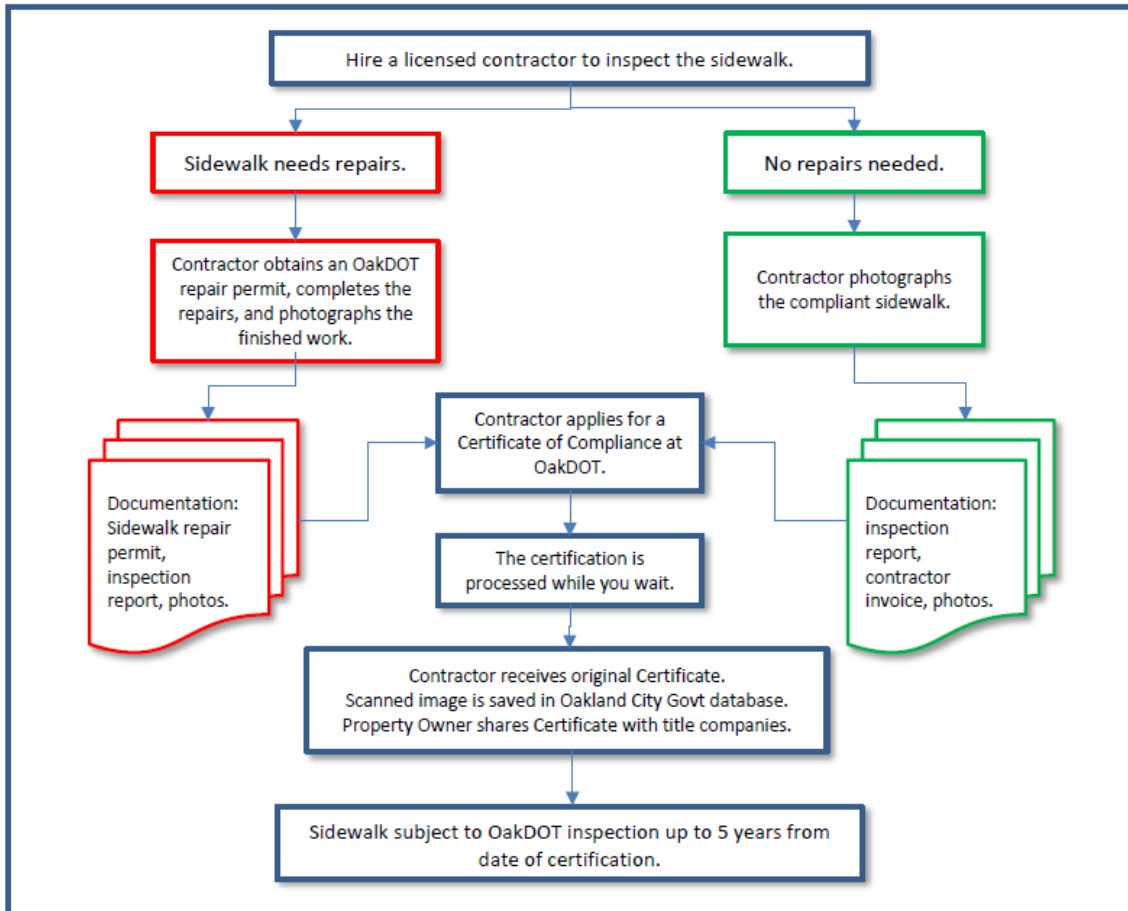
All property owners must apply for a Certificate of Compliance at the OakDOT Permit Office, 250 Frank H Ogawa Plaza, 4th floor; (510) 615-5566; prior to the first close of escrow on the property. The compliance process will depend on the condition of your sidewalk [see below].

How do I know if my sidewalk requires repair?

There are various levels and types of damage, but any crack, depression, or vertical offset of more than ¼ inch is considered a defect, per the Americans with Disabilities Act (ADA) guidelines.



Sidewalk Certification Process



Which documents will I need to certify my sidewalk?

Any documents that support the representation made in your application including the inspection report, a detailed contractor's invoice, and photographs of the sidewalk (before and after, as appropriate). Supporting documents will be scanned and added to the certification record in OakDOT's permit database.

How much will it cost to obtain a compliance certificate?

Applicants pay the standard OakDOT Permit Intake Fee + a 14.75% Records and Technology Fee. As of July 19, 2019, the Intake Fee + 14.75% amounted to approximately \$80. Sidewalk repair permits carry a separate fee. Consult the [Oakland Master Fee Schedule](#) for up-to-date fee details.