

**TEMPORARY CITY OF OAKLAND SIDEWALK REPAIR ORDINANCE**  
**AMENDMENT/ADDENDUM TO RESIDENTIAL PURCHASE AGREEMENT**

**[Language below is to be inserted into CAR Amendment form AEA for pending sales or the CAR Addendum form ADM for future sales where COE shall occur prior to October 7, 2019]**

Seller and Buyer are advised that effective July 9, 2019, the City of Oakland requires sidewalk repairs of known, unsafe conditions prior to the Close of Escrow (with some exceptions, such as probate sales) which abut 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 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.**

**A.  IN FULL COMPLIANCE:** Seller has complied with the City Oakland Sidewalk Repair Ordinance and has hired a qualified professional to either (1) determine that no repairs are needed or (2) make all required sidewalk repairs. Seller has obtained the required Oakland Certificate of Compliance. Seller shall Deliver a copy of the Certificate of Compliance to Buyer and to Escrow within 7 or \_\_\_\_ Days after Acceptance.

**B.  PROVISIONAL SIDEWALK COMPLIANCE CERTIFICATE:** Seller has obtained or, if checked,  will obtain a Provisional Sidewalk Compliance Certificate within 3 or \_\_\_\_ Days after Acceptance. That Certificate allows the property owner to delay obtaining the required Sidewalk Compliance Certificate up to and including October 7, 2019. Seller shall Deliver a copy of the Provisional Sidewalk Compliance Certificate to Buyer within 7 or \_\_\_\_ Days after Acceptance. The following party shall be responsible for hiring the appropriate professional(s) and paying all required fees and costs to (1) determine the need for sidewalk repairs; (2) complete any and all required sidewalk repairs; and (3) obtain a Sidewalk Compliance Certificate (**Check One**):

1.  Seller shall Deliver the Sidewalk Compliance Certificate to Buyer and Escrow prior to final verification of condition.
2.  Buyer shall be responsible for obtaining a Sidewalk Compliance Certificate prior to Close of Escrow or prior to October 7, 2019 whichever event occurs first.
3.  Buyer shall be responsible for obtaining a Sidewalk Compliance Certificate on or before October 7, 2019 regardless of when Close of Escrow occurs.

***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 should consult with their own qualified California real estate attorney regarding any questions about the Ordinance, the applicability of the Ordinance to the Property, the propriety of closing escrow without securing a Compliance Certificate and/or questions regarding this Amendment to the Residential Purchase Agreement.***