



Frequently Asked Questions about Sidewalk Certification for Property Sellers, Buyers, and Renovators.

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 Compliance Certificate—for a period of 90 days, beginning the date the provisional certificate is issued.

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) 238-3199.

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 [project value > \$100,000] 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 because of a foreclosure or similar process.

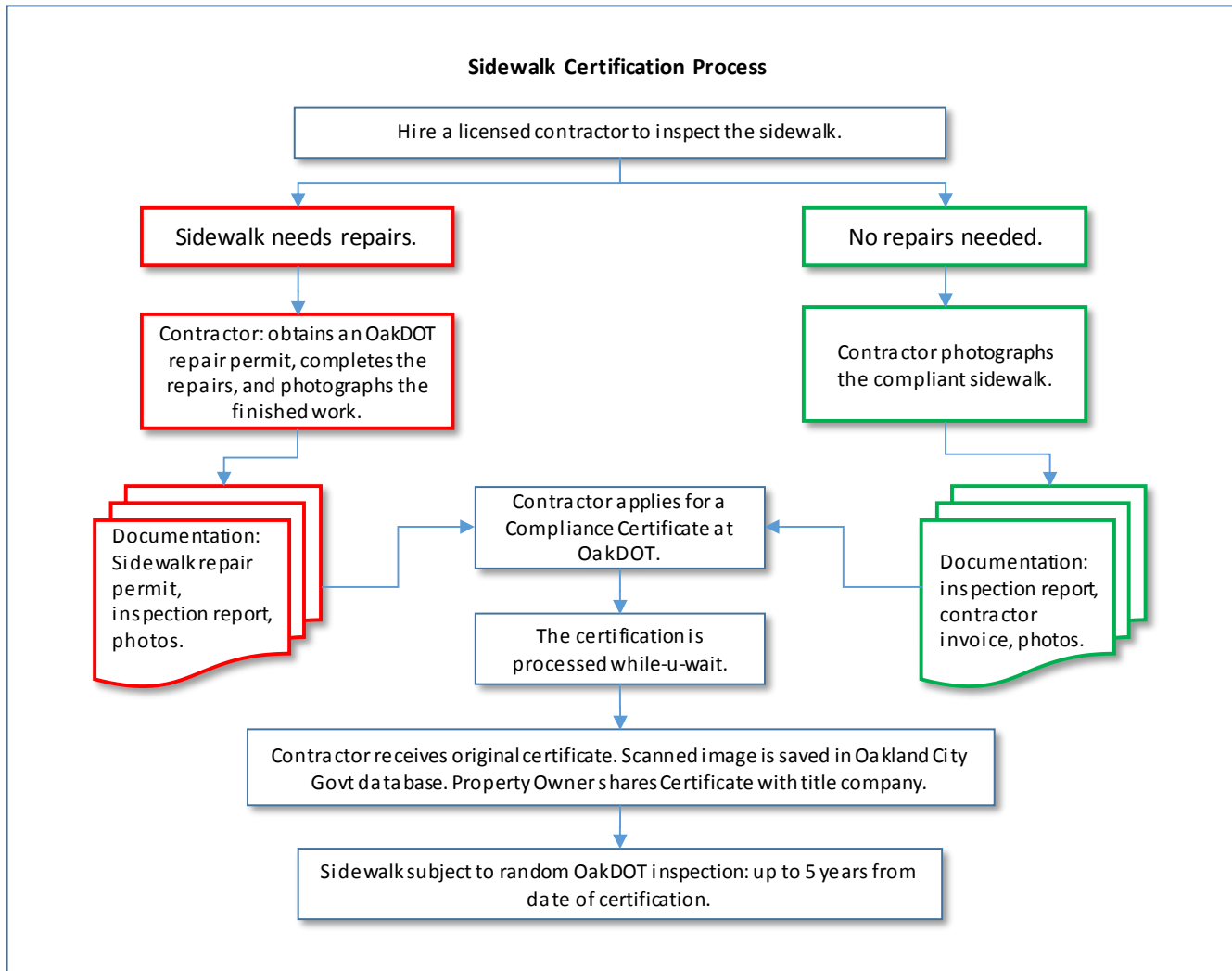
How do I certify my sidewalk?

All property owners must apply for a Certificate of Compliance at the OakDOT Permit Office, 250 Frank H Ogawa Plaza, 4th floor; (510) 238-3199; prior to the first close of escrow on the property, or concurrent with the permitting process for a \$100,000+ renovation. The compliance process will depend on the condition of your sidewalk [see below].

If your property does not have a sidewalk, you can file for a no-fee Sidewalk Compliance Certificate of Compliance through the DOT Permit Counter. Bring along recent photos of the sidewalk zone. No need to hire a contractor.

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.



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. If your repairs cover less than 25 square feet, no permit is required.

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.



What if I cannot complete the repair in time?

If you cannot obtain a Compliance Certificate for your sidewalk before title transfer, you may apply for a Provisional Sidewalk Compliance Certificate which will allow a 90-day extension from the issue date for sidewalk repair work to be completed. A Provisional Sidewalk Compliance Certificate must be issued before title transfer.

During the 90-day extension period, the responsible party, as negotiated between the buyer and seller, shall complete the requirements to obtain a Compliance Certificate by repairing or replacing the sidewalk as necessary. Note that once the title transfer is complete, the new property owner is solely responsible for obtaining the Compliance Certificate.

Applicants applying for a Provisional Sidewalk Compliance Certificate will 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 (consult the [Oakland Master Fee Schedule](#) [MFS] for up-to-date fee details). This fee will then be applied towards the final Compliance Certificate once compliance is achieved before the end of the 90-day period.

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

Which types of contractors can certify sidewalk repairs?

A self-certification inspection shall be conducted by a contractor holding specified “A,” “B,” or “C-8” license and a current valid Oakland Business License.

In addition to the above licenses, if concurrent permitted work is occurring, the contractor permitted to work at the address may inspect and certify the sidewalk so long as their contractor license includes concrete or related construction (e.g. “C-42” or “C-57”).

How long is the Compliance Certificate effective?

A Compliance Certificate will be effective for **5 years** after the date of issuance.

You do not need to apply for a new Compliance Certificate if your property has a valid and unexpired Compliance Certificate.

To check if your property has a valid and unexpired Compliance Certificate, call the OakDOT Permit Counter at 510-238-3199.

What if my property is part of a Homeowners Association?

A Home Owners Association (HOA) or Community Association is a nonprofit corporation or unincorporated association that manages or governs a joint owner development and operates in accordance with governing documents, whether the corporation or association is formally designated or commonly referred to as an HOA or community association. Examples include condominiums, townhomes, planned unit developments, stock cooperatives, and other projects where separately owned individual units or parcels exist in conjunction with a common area.



HOAs or Community Associations are responsible for maintaining, repairing, and certifying sidewalks when sidewalks are a “common element” or a “common area” in governing documents such as the Covenants, Conditions and Restrictions (CC&Rs). The individual unit owners—as a group—are responsible for maintaining, repairing, and certifying sidewalks if the HOA or Community Association does not cover sidewalks as a “common element” or a “common area” in governing documents such as the Covenants, Conditions and Restrictions (CC&Rs), or the joint owner development is not managed or governed by a HOA or Community Association.

Each HOA or Community Association should bring all sidewalks adjacent to the development into compliance. The HOA or Community Association will receive a Compliance Certificate once all sidewalks within their maintenance responsibility comply through the regular compliance process. Compliance Certificates are valid for 5 years.

If you are buying, selling, or renovating a property in an HOA or Community Association, contact your HOA or Community Association to request a copy of the Compliance Certificate to use during title transfer.

If your HOA or Community Association does not yet have a Compliance Certificate, then a no-fee Compliance Certificate can be issued to you as the property owner from the OakDOT Permit Counter. The City may then inspect the sidewalks and issue Notices to Repair for damaged sidewalks to the HOA or Community Association.

What if my sidewalk is damaged by a City tree?

If you believe your sidewalk damage is caused by a City tree, the City will first verify whether the tree is an official City tree. If the tree is not an official City tree, the responsibility to repair is the property owner's. If the tree is an official City tree, the City will then provide a determination on whether the damage is caused exclusively by a City tree, partially, or not at all. Any repairs needed as a result of damage caused by an official City tree would be performed by City forces. So long as any other sidewalk damage is repaired, a Sidewalk Certificate of Compliance can be issued.