



## MEMORANDUM

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**TO:** HONORABLE MAYOR &  
CITY COUNCIL

**FROM:** Ryan Russo  
Director, OakDOT

**SUBJECT:** Implementation of the Buy-Sell-  
Repair (OMC 12.04.380)

**DATE:** February 1, 2021

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City Administrator   
Approval

Date: Feb 4, 2021

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### **INFORMATION**

This memo is prepared in response to the Oakland City Council's request for an informational report identifying procedural modifications the department could incorporate to improve the implementation of the Buy-Sell-Repair ordinance (OMC 12.04.380).

### **GENERAL OVERVIEW**

In July 2019, the Oakland City Council adopted a Buy-Sell-Repair Ordinance (OMC 12.04.380), which requires that sidewalks must be in compliant condition<sup>1</sup> upon title transfer of real property. Under the ordinance, property owners must repair their sidewalks and/or certify it is compliant when buying or selling a property, and when performing a renovation valued at more than \$100,000.

To implement this ordinance, OakDOT developed a sidewalk compliance certificate. A compliance certificate certifies that the sidewalk adjacent to a property is compliant with the ordinance and is obtained from the OakDOT permit counter. For property owners who cannot repair and/or certify their sidewalk before title transfer, OakDOT created a provisional certificate category. The provisional certificate is valid for a period of 90 days, beginning the date the provisional certificate is issued. Within those 90 days, the property owner must repair and then certify their sidewalk.

### **ANALYSIS**

The goal of the 2019 Buy-Sell-Repair ordinance was to increase the number of private sidewalks repaired in Oakland, and thereby improve accessibility and reduce the number of associated trip-and-fall injuries and their associated impacts. In the first year of the ordinance, staff reported 121 additional locations of sidewalk repair as a result of the Buy-Sell-Repair ordinance (Figure 6), amounting to more than 40% of all private sidewalk repairs citywide during

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<sup>1</sup> Compliant sidewalks must be free from any crack or vertical offset of more than ¼ inch, according to the Federal Americans with Disabilities Act (ADA) Guidelines.

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FY19-20. With these repairs, the total number of private sidewalk repairs increased by 62% from the prior year.

To improve implementation of the ordinance, per City Council's policy direction, staff are recommending two improvements based on community feedback. First, staff recommend implementation of an online permitting option for the provisional certification. Since Alameda County's shelter-in-place orders were initiated in March 2020, applicants seeking provisional certifications must complete required electronic forms and submit to permitting staff via email. OakDOT staff then review these certification applications, input the information to the City's permitting database system (Accela), and send an invoice to the applicant. Given that the provisional certifications are effectively a request for a time extension to complete the final certification and do not require licensure to apply, staff see value in enabling members of the community, including property sellers/buyers or their agents, to complete the full application through an online platform, including payment of fees. This would also enable the public to apply for and receive the provisional certification during evening and weekend hours. Members of the real estate community have expressed concern about the lag in review and issuance of provisional certifications; this improvement would allay that concern. Staff will promptly review options for adding provisional certifications to the City's online permit portal.

Additionally, staff reviewed the performance of the 90-day provisional certification option. Over the course of the first year of the ordinance implementation (July 2019 to June 2020), the average time between a provisional and final certificate was 54.5 days. While this indicates that the 90-day provisional window may be an appropriate time frame, staff have determined that increasing the provisional period to 120 days would provide additional time for property owners to come to full compliance. **The change to the provisional certifications from 90 days to 120 days will go into effect on March 1, 2021.**

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**PUBLIC INFORMATION**

Information and reports related to the sidewalks program are maintained on the City's website.<sup>2</sup> These include frequently asked questions regarding sidewalk damage, sidewalk certificates, and hiring a contractor.

For questions, please contact Sarah Fine, Complete Streets Paving & Sidewalks Program Manager at (510) 238-6241.

Respectfully submitted,



[Ryan Russo \(Feb 2, 2021 16:05 PST\)](#)

**RYAN RUSSO**

Director, Oakland Department of Transportation

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<sup>2</sup> "City of Oakland | Sidewalks" <http://www.oaklandca.gov/topics/sidewalks>

