



CITY OF BERKELEY SEISMIC RETROFIT PROGRAM & REFUND GUIDELINES

REFUND PROGRAM

The Seismic Retrofit Refund Program allows up to 1/3 of the City of Berkeley Transfer Tax to be refunded on a dollar-for-dollar basis, for all expenses incurred on or after October 17, 1989 for voluntary seismic upgrades to residential property.

PROGRAM ELIGIBILITY

This program applies to structures that are used exclusively for residential purposes, or any mixed use structure that contains two or more dwelling units.

QUALIFYING SEISMIC RETROFIT WORK

The following kinds of improvements may qualify for the Seismic Retrofit Refund program:

- Bolting of foundations to mudsills and installing shear walls;
- Work to repair or replace substandard foundations;
- Securing of chimneys and stacks;
- Removal of unreinforced masonry chimneys;
- Anchoring of existing water heaters;
- Other earthquake strengthening work that meets accepted standards

Call or visit the Berkeley Building & Safety Division in advance to make sure your improvements are eligible.

The strengthening guidelines and model plan sets are available at:

<http://www.cityofberkeley.info/buildingandsafety/>

WHEN THE SEISMIC RETROFIT WORK MUST BE COMPLETED

- Work to seismically retrofit structures must be completed either prior to the transfer of property; or,
- Buyer may seismically retrofit a structure after the transfer of the property. Seismic work must be completed within 1-YEAR from the date of recordation of the transfer document.

PARTIALLY COMPLETED WORK

If the seismic retrofit work is not completed at the end of one year, that portion of work that has been completed may be credited to the applicant upon submission of a Seismic Retrofit Verification & Refund Application form and substantiating documentation, as required by the Building & Safety Division, showing the dollar amount of work completed up to that date.

FILING FOR AN EXTENSION

Within the 1-YEAR period, an applicant may request an extension of up to 1-YEAR to complete the seismic work. Requests for an extension must be made in writing to the Finance Department (ATTN: Seismic Refund Program, 1947 Center Street, Berkeley, CA 94704) and must clearly state why the deadline could not be met. The City Manager (or designee) may grant such an extension only for Good Cause (see BMC 7.52.060 § 6). The decision of the City Manager (or designee) shall be entirely within his/her discretion and shall be final.

GOOD CAUSE EXTENSION

Good Cause includes:

- ❑ The inability of the applicant, after a prompt and diligent search, to find and retain the services of an architect, engineer, contractor or other service provider whose services are necessary for the seismic retrofit work.
- ❑ Unforeseen and unforeseeable circumstances such as a significant change in the scope of the seismic retrofit work due to circumstances in the field, which could not reasonably have been known earlier.
- ❑ Serious illness or other extraordinary and unforeseeable circumstances that prevented the timely commencement or completion of the seismic retrofit work.

Good Cause DOES NOT include:

- ❑ Ignorance of the applicable City ordinances or regulations concerning the seismic retrofit rebate or state or local laws relating to the standards with which seismic retrofit work must comply.
- ❑ Any delays which were within the control or responsibility of the applicant.

SEISMIC RETROFIT REFUND PROCESS

- A. Before the sale of a residential property is recorded, a [Declaration of Real Property Transfer Tax](#) is prepared by the title company (or legal counsel if not processed through a title company) and signed by the buyer and seller. The Declaration must be filled out completely and will be forwarded by the title company (or legal counsel if not processed through a title company) to the Finance Department - Revenue Collection at the end of the month.
- B. Effective April 2007, 100% of the transfer tax must be submitted to the County at the time the property sale is recorded.
- C. Applicant obtains all necessary building permits from the City of Berkeley [Permit Service Center](#), located at 2120 Milvia Street, Berkeley.
- D. The applicant obtains a [Seismic Retrofit Verification & Refund Application](#) (“Application”) from the City’s [Permit Service Center](#), [Customer Service Center](#), or [Online Service Center](#).
- E. Once the seismic retrofit work is completed (or partially completed) applicant calls Building & Safety Division to schedule a final inspection, and submits the Application with all supporting cost documentation to Building & Safety for verification and approval.
- F. If the City’s Building Inspector approves the seismic work and associated costs, the Inspector checks the “Approved” box, signs the Application and forwards it, along with all cost documentation, to the Finance Department.
- G. The Finance Department will issue a refund check directly to the applicant within 3 weeks of receiving an approved Application from the Building & Safety Division.
- H. If the Building Inspector denies the seismic work, and/or associated costs, the Inspector checks the “Denied” box, signs the Application, and the applicant is notified in writing by the Building & Safety Division of the reason/s for the denial. For questions regarding the Building Inspector’s denial of seismic work and/or costs the applicants must contact the Building & Safety Division at (510) 981-7440.

DOCUMENTATION REQUIREMENTS

Applicant must submit copies of receipts for work performed with the Seismic Retrofit Verification & Refund Application to substantiate costs and dollar amount to be refunded.

NOTE: When a project includes both seismic retrofit and other (non-seismic) work, the applicant must provide copies of receipts from contractors or other similarly-verifiable documentation establishing the specific portion or percentage of the project’s total costs which are attributable to and incurred exclusively for seismic retrofit work.