CITY OF SAN JOSÉ STREET TREE DISCLOSURE FORM

The City of San José ("City") requires the seller or transferor of residential real property ("Property") in the City to disclose to the acquirer of the Property whether the Property fully complies with the City's requirements to have, maintain and if necessary, replace street trees pursuant to the San José Municipal Code ("SJMC").

13.28.195 **Disclosure Obligations Upon Sale or Transfer of a Residential Real Property**

A. Not less than seven (7) business days before the sale or other transfer of residential real property concludes a selling or transferring property owner must disclose to the acquiring property owner, on a disclosure form provided by the City, whether the residential real property to be sold or transferred fully complies with the City's street tree maintenance and replacement requirements of Sections 13.28.130.B and 13.28.190.

B. If the selling or transferring property owner cannot determine whether street trees located on the residential property are substantially in compliance with the approved development permits for the property, or the property's approved development permits are inconclusive as to the requirements for the presence and location of street trees on the property, then the following requirements for the planting and presence of street trees shall apply:

1. The property must have one (1) street tree for any adjacent street if it is an interior lot and at least three (3) street trees if it is a corner lot, unless otherwise modified by the Director in the interest of public safety.

2. If the current General Plan requirements for street trees on the property differ from the requirements specified in Subsection B.1, then the current General Plan requirements shall govern the number and location of street trees required on the property at the time of sale or transfer. If the property meets the General Plan requirement, then the selling property owner must indicate such compliance with the General Plan on the disclosure to the acquiring property owner.

3. All street trees shall be planted in accordance with the requirements of Section 13.28.070.

C. Upon a written request, the Director may grant the selling or transferring property owner an exemption in writing from the requirements of this Section if the Director determines in the interest of public safety that planting and maintaining street trees on the residential property at the time of sale or transfer is not appropriate. Such an exemption does not run with the land and shall not allow any deviations from the disclosure requirements upon residential real property sales or transfers for future sellers or transferors.

To the best of my / our knowledge but without any investigation, I / WE, _____ disclose that the street tree(s) on the Property to be sold or transferred and located at _____, San José, CA _____ are in the following condition:

☐ 1. The Property fully complies with the street tree requirements outlined in the SJMC.

☐ 2. The Property does <u>not</u> have the required number of street trees as required by the SJMC.

☐ 3. The Property has the required number of street trees but the street trees have not been maintained as required by the SJMC.

☐ 4. Seller/Transferor is unaware if the requirements to have and maintain street trees on the Property have been met.

Property Address: _____

Seller_____ _____
Signature (s) print name(s) date

The undersigned hereby acknowledges receipt of a copy of this document.

Buyer_____ _____
Signature(s) print name(s) date