



## SB 330 RESIDENTIAL AND PROTECTED UNIT DETERMINATION FORMS – SUPPLEMENTAL APPLICATION

### Overview of SB 330

SB 330—also known as the Housing Crisis Act of 2019—added section 66300 to the California Government Code and will remain in effect until January 1, 2034.<sup>1</sup> SB 330 applies to “housing development projects,” which are defined as uses that consist of any of the following: (1) residential units only (including, for purposes of section 66300, one-unit projects); (2) mixed-use projects with at least 2/3 of the square footage designated for residential use; or (3) transitional or supportive housing.

SB 330 prohibits a city from approving a new housing development project that will demolish existing residential units unless the project will create as many residential dwelling units as will be demolished. SB 330 also includes comprehensive requirements that apply to housing development projects involving the proposed demolition of vacant or occupied “protected units” (defined below).

### Protected Units under SB 330; Determination

Under SB 330, “protected units” include any of the following:

- Residential dwelling units that are or were subject to a recorded covenant, ordinance, or law restricting rents to levels affordable to lower or very low-income households within the past five years.<sup>2</sup>
- Residential dwelling units that are or were subject to any form of rent or price control/stabilization through a local ordinance in the last five years.
- Residential dwelling units that are or were rented by lower or very low-income households in the last five years.
- Residential dwelling units that were withdrawn from rent or lease in accordance with the Ellis Act (beginning with Government Code section 7060) within the last 10 years.

SB 330 prohibits cities from approving a new housing development project that will require demolition of occupied or vacant protected units unless all of the following are true:

- The project will replace all existing or demolished protected units; and
- The project includes at least as many residential units as the greatest number of residential units that existed on the site within the last five years; and
- Existing occupants will be allowed to stay in their units until six months before the start of construction activities with proper notice; and
- Existing occupants who are required to leave their units will be allowed to return at their prior rental rate if the demolition does not proceed and the property returns to the rental market; and
- Subject to limited exceptions, the developer agrees to provide existing occupants:
  - Relocation benefits; and
  - A right of first refusal for a comparable unit available in the new housing development project at an affordable rent or an affordable housing cost.

Determining whether a project involves protected units is a critical threshold determination under SB 330. Accordingly, applicants for housing development projects must complete and submit the forms attached to this “SB 330 Residential and Protected Unit Determination Forms – Supplemental Application.” City staff will use the reported information to determine whether, and if so, how, the proposed project is impacted by SB 330. **(Forms begin on the following page)**

## FORM 1: TO BE COMPLETED BY APPLICANT/PROPERTY OWNER

<sup>1</sup> Senate Bill 8 (effective January 1, 2022) extended the sunset provisions in Government Code section 66300 to January 1, 2034. All references in this application to SB 330 refer to Government Code section 66300, as it may be amended from time to time.

<sup>2</sup> “Lower income households” has the same meaning as defined by Health and Safety Code Section 50079.5. (Gov. Code, § 66300(d)(2)(F)(v)). Lower income households include very low income households (as defined in Section 50105) and extremely low income households (as defined in Section 50106). (Health and Safety Code, § 50079.5(b).)

Date: \_\_\_\_\_ Case No. \_\_\_\_\_

### Property Information

Site Address: \_\_\_\_\_

APN(s): \_\_\_\_\_

Zoning: \_\_\_\_\_ General Plan Designation: \_\_\_\_\_ Overlays: \_\_\_\_\_

Existing Land Use(s): \_\_\_\_\_ Proposed Land Use(s): \_\_\_\_\_

### Property Owner

Applicant Name: \_\_\_\_\_

Organization: \_\_\_\_\_

Address: \_\_\_\_\_ Unit #: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip Code: \_\_\_\_\_

Phone #: \_\_\_\_\_ Email: \_\_\_\_\_

### Applicant (if different from owner)

Property Owner Name: \_\_\_\_\_

Organization: \_\_\_\_\_

Address: \_\_\_\_\_ Unit #: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip Code: \_\_\_\_\_

Phone #: \_\_\_\_\_ Email: \_\_\_\_\_

### General Residential Unit Information

*A housing development project cannot be approved if it requires demolition of one or more residential dwelling units unless the project will create at least as many residential dwelling units as will be demolished.<sup>3</sup> To determine whether your project is subject to this requirement, please answer the following questions:*

1. Does the project require demolition of existing residential units?  Yes  No
2. Number of current total residential units on-site:
3. Number of existing residential units to be demolished:
4. Greatest number of residential units that existed on-site within the last five years:
5. Total number of proposed new residential units in the development project:

**(Form 1 continues on the following page)**

<sup>3</sup> Gov. Code, § 65300(d)(1)

## Protected Unit Information

For each residential dwelling unit that is proposed to be demolished, or that was previously demolished within the last five years, whether occupied or vacant, please answer the following questions:

1. Are there units that are currently, or were at any time within the last five years, subject to a recorded covenant, ordinance, or law restricting rents to levels affordable to households of low or very low income?

Yes  No

If yes above, please provide the number of units:

2. Are there units that are currently, or were at any time within the last five years, subject to any form of rent or price control/stabilization through a local ordinance?

Yes  No

If yes above, please provide the number of units:

3. Are there any units that are currently, or were at any time within the last five years, occupied by lower or very low-income households?

For purposes of SB 330, "lower income households" include "very low" and "extremely low" income households. <sup>4</sup> In preparing your response to this question, please refer to the "Income Limits" section on the Department of Housing and Community Development's (HCD) website available at the following location: <https://www.hcd.ca.gov/income-limits>

Yes  No

If yes above, please provide the number of units:

4. Are or were there any units that were withdrawn from rent or lease in accordance with the Ellis Act within the last ten years?

Yes  No

If yes above, please provide the number of units:

**(Form 1 continues on the following page)**

---

<sup>4</sup> Gov. Code, § 66300(d)(2)(F)(v), citing Health and Safety Code, § 50079.5). Lower income households include very low income households (as defined in Section 50105) and extremely low income households (as defined in Section 50106). (Health and Safety Code, § 50079.5(b).)



## FORM 2: TO BE COMPLETED BY TENANT(S)

### Household Income Verification

**Each tenant residing in a qualified Protected Unit to be demolished must complete this form.** City staff will use the information to determine affordability requirements for replacement units. Your participation will help to ensure that affordable protected units are preserved and will help in determining whether you are entitled to certain rights and benefits.

UNIT INFORMATION			
Property Address:			
Unit Number:		Number of Bedrooms:	
Number in Household:			
Name(s) of Occupants:			

#### **Option 1 – Verify Household Income**

Provide your Gross Household Income for the past five years:

Last Year	Two Years Ago	Three Years Ago	Four Years Ago	Five Years Ago
\$	\$	\$	\$	\$

List your current total monthly household Income:

As applicable, each household member with any source of income must submit all of the following:

- 1) Copies of the two most recent payroll stubs
- 2) Signed copies of the two most recent income tax returns and W-2 forms
- 3) Bank statements for the last six months
- 4) Lease agreement for the Property identified on this Form 2 (above)

#### **Option 2 – Decline to Verify Household Income**

I decline to provide financial information for the purposes of this determination.<sup>6</sup>

Tenant Signature: \_\_\_\_\_

Date: \_\_\_\_\_

<sup>6</sup> Where the household income of current or previous tenants is unknown for purposes of determining affordability levels, income data for the area will be used to assign household incomes to each unit, and all units will be presumed to be lower income households. Values between extremely low and low-income will be assigned to each such unit based on data from the Comprehensive Housing Affordability Strategy (CHAS) database provided by the Department of Housing and Urban Development (HUD). HUD’s CHAS database can be accessed here:

<https://www.huduser.gov/portal/datasets/cp.html>

### FORM 3: TO BE COMPLETED BY TENANT(S)

#### Relocation Benefits

**Each tenant residing in a qualified Protected Unit to be demolished must complete this form. City staff will use the information to determine whether the tenant qualifies for relocation benefits under Government Code Section 66300(d)(2)(D)(i). Use additional sheets if necessary.**

Property: \_\_\_\_\_ Owner: \_\_\_\_\_  
Address including apartment or unit number

#### **Option 1: Non-Waiver of Relocation Benefits**

I, \_\_\_\_\_, hereby certify that I was a tenant of the above described property (Property) from \_\_\_\_\_ to \_\_\_\_\_. If I qualify for relocation benefits under the California Government Code Section 66300(d)(2)(D)(i), I want to be offered such benefits. I do not waive my rights to relocation benefits.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Name (printed): \_\_\_\_\_ Signature: \_\_\_\_\_

Address: \_\_\_\_\_

Phone number: \_\_\_\_\_ Email: \_\_\_\_\_ Date signed: \_\_\_\_\_

#### **Option 2: Waiver of Relocation Benefits**

I, \_\_\_\_\_, hereby certify that I was a tenant of the above described property (Property) from \_\_\_\_\_ to \_\_\_\_\_. I hereby waive any and all relocation benefits that I may be entitled to under California Government Code Section 66300(d)(2)(D)(i). I do not want to receive relocation benefits from the property owner.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Name (printed): \_\_\_\_\_ Signature: \_\_\_\_\_

Address: \_\_\_\_\_

Phone number: \_\_\_\_\_ Email: \_\_\_\_\_ Date signed: \_\_\_\_\_

## FORM 4: TO BE COMPLETED BY TENANT(S)

### Right of First Refusal

**Each tenant residing in a qualified Protected Unit to be demolished must complete this form.** City staff will use the information to determine whether the tenant is entitled to a right of first refusal from the property owner under Government Code Section 66300(d)(2)(D)(ii)—which, subject to limited exceptions, provides qualifying tenants with a right of first refusal to rent or purchase a comparable unit in the new housing development at an affordable rent or an affordable housing cost (as defined by Health and Safety Code Sections 50053 and 50052.5).

Property: \_\_\_\_\_ Owner: \_\_\_\_\_  
Address including apartment or unit number

#### **Option 1: Non-Waiver of Right of First Refusal**

I, \_\_\_\_\_, hereby certify that I was a tenant of the above described property (Property) from \_\_\_\_\_ to \_\_\_\_\_. I do not waive any right of first refusal to a comparable unit that I may qualify for under Government Code Section 66300(d)(2)(D)(ii). To the extent that I qualify, I want to be offered the opportunity to rent or purchase a comparable unit in the new housing development.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Name (printed): \_\_\_\_\_ Signature: \_\_\_\_\_

Address: \_\_\_\_\_

Phone number: \_\_\_\_\_ Email: \_\_\_\_\_ Date signed: \_\_\_\_\_

#### **Option 2: Waiver of Right of First Refusal**

I, \_\_\_\_\_, hereby certify that I was a tenant of the above described property (Property) from \_\_\_\_\_ to \_\_\_\_\_. I hereby waive any and all rights of first refusal that I may qualify for under Government Code Section 66300(d)(2)(D)(ii). To the extent that I qualify, I do not want to be offered the right to rent or purchase a comparable unit in the new housing development at an affordable rent or housing cost.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Name (printed): \_\_\_\_\_ Signature: \_\_\_\_\_

Address: \_\_\_\_\_

Phone number: \_\_\_\_\_ Email: \_\_\_\_\_ Date signed: \_\_\_\_\_

**FORM 5: TO BE COMPLETED BY APPLICANT/PROPERTY OWNER**

**Verification of Notice to Vacate Occupancy**

*Complete this form to certify that you have properly issued the tenant(s) a Notice to Vacate Occupancy for protected units to be demolished. Attach a copy of the Notice to Vacate Occupancy as required. Use additional sheets if necessary.*

Property: \_\_\_\_\_  
Address including apartment or unit number

I, \_\_\_\_\_, hereby certify that I am the property owner/authorized agent of the above described property (Property) involved in this application. On \_\_\_\_\_, 20\_\_ I issued a "Notice to Vacate Occupancy"— a copy of which is attached to and included with this form—to the tenants of the Property's protected units.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Name (printed): \_\_\_\_\_ Signature: \_\_\_\_\_

Address: \_\_\_\_\_

Phone number: \_\_\_\_\_ Email: \_\_\_\_\_ Date signed: \_\_\_\_\_

**FORM 6: TO BE COMPLETED BY APPLICANT/PROPERTY OWNER**

**Property Owner/Applicant Affidavit**

Under penalty of perjury I declare as follows:

1. I am the owner or authorized agent of the owner of the property located at:

\_\_\_\_\_

- 2. The information provided in my application, inclusive of these forms, is true and correct to the best of my knowledge.
- 3. To the extent that city staff requests additional information or documents from me, I will timely cooperate with the city's requests and provide such information and documentation, as applicable.
- 4. I hereby authorize city staff to conduct a site visit of the above described property as part of the city's review of this application. I further agree to make all portions of the Property's interior and exterior accessible: (a) through completion of construction; and (b) in response to the city's monitoring of any condition of approval.
- 5. I attest that personally identifiable information (PII) (e.g., social security numbers, driver's license numbers, bank accounts) have not been provided as part of this application. Furthermore, where supplemental information is required by this application, PII has been redacted prior to submittal to the Planning Department. I understand that any information provided to the Planning Department becomes part of the public record and can be made available to the public for review and posted to Department websites.

Name (printed): \_\_\_\_\_ Signature: \_\_\_\_\_

Relationship to project (e.g. owner, applicant): \_\_\_\_\_

Phone number: \_\_\_\_\_ Email: \_\_\_\_\_ Date signed: \_\_\_\_\_

