



## Residential Replacement Unit Determination Form

### Summary of Requirements

The Housing Crisis Act of 2019, Senate Bill 330 (SB 330) (California Government Code 66300) prohibits any reduction in the number of existing residential units on a site through a “no net loss” provision with respect to residential housing. It applies to both rental and for-sale units. A proposed project must match or exceed the greatest number of dwelling units that existed on the project site within the past five years. This applies whether the units are vacant or occupied.

### Replacement of Existing or Demolished Protected Units

Any project proposing the demolition or conversion of residential units must replace all existing or demolished protected units. Protected units are dwelling units that currently or within the last five (5) years prior to the application are/were:

- Subject to a recorded covenant, ordinance, or law that restricts rents to levels affordable to persons and families of lower or very low income; or
- Subject to any form of rent or price control by a public entity; or
- Occupied by lower or very low-income households (within last 5 years); or
- Withdrawn from rent or lease within the past 10 years (Ellis Act).

### Application Process

The City will use this completed determination form and documentation provided by the applicant, owner(s), and occupants, to determine how many protected units exist and how many protected replacement units will be required in the new project.

- **Determining affordable protected units:** A unit will be determined to be protected based on the household size and income level of the former or current occupants. This information will also be used to determine the income category a protected unit falls into for replacement purposes. Occupants' income levels are ascertained through tax returns, pay stubs, benefit letters, and direct contact. The owner is responsible to engage with occupants to ensure a timely response.
- **Unprovided/Unknown Occupation History Affordability Presumption:** If occupants do not provide sufficient income information, the determination of affordability and income category will default to the percentage of very low- and low-income renters in the City of Glendora as shown in the CHAS database. Replacement calculations resulting in fractional units shall be rounded up to the next whole number.

### Relocation, Right of Return, Right to Remain for Occupants of Protected Units

SB 330 provides for the right of first refusal for comparable units (i.e., same bedroom type) in the owner's proposed new housing development to occupants of protected units. This right and relocation right will be limited to lower-income occupants. Replacement must be the same type of unit and have the same number of bedrooms (California Government Code 65915 (c)(3)(B)). The comparable replacement units must be provided at a rent or sales price affordable to the same or lower-income category. Occupants of protected units also are entitled to receive relocation pursuant to state or local law, whichever provides greater assistance and have the right to remain in their unit until 6 months before the start of construction. Please note that the applicant/developer is responsible for covering the full cost of providing a consultant to provide the replacement unit and relocation analysis, including evidence of whether units qualify as protected units and any relocation benefits.



# Glendora Community Development Department

## SB 330 Residential Replacement Unit Determination Form

### Instructions

- Complete this form and submit it with all items outlined in the application package below.
- Any outstanding documentation must be received within 30 days of the date this application was signed by the owner/s.
- Complete the required affidavit. Note, there are two options:
  - The property owner is the applicant; or
  - The applicant and owner are separate entities. In this case, the applicant must also attach the owner's authorization form.

### Application Package

This package must accompany a project application proposing demolition and/or redevelopment of residential uses. The following forms need to be fully completed and signed:

- Application form
- Replacement unit determination form
- Addresses of existing units (must include the last email or mailing address for former occupants)
- Proof of vacancy/occupancy status within last 5 years (must include substantial evidence such as utility bills, property tax bills, IRS forms, W2s, etc.)
- Recorded deed
- Current title report (showing all current owners, Ellis documents, occupant relocation documents).
- Affidavit/owner's authorization

1. **Contact Information**      Who is the primary contact?    \_\_\_ Owner    \_\_\_ Applicant (If different)

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

Firm Name (if applicable): \_\_\_\_\_ Phone: \_\_\_\_\_

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

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

**Applicant Name (if different from owner):** \_\_\_\_\_

Firm Name (if applicable): \_\_\_\_\_ Phone: \_\_\_\_\_

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

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

Attach additional sheets if necessary.



# Glendora Community Development Department

## SB 330 Residential Replacement Unit Determination Form

2. **Project Narrative:** Describe the proposed construction/conversion. Include the proposed total number of residential units, number of bedrooms per unit, and whether the units will be for sale or rent.

### 3. Existing Property Information

Parcel Numbers (Use LA County AINs)

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Provide building/unit information here. Attach additional sheets if necessary:

Building Address	Unit #	# Bedrooms
Totals:		

Were any units withdrawn from rent or lease within the last 10 years?  Yes  No

If yes, provide the date: \_\_\_\_\_



### 4. Occupant Information for Previous 5 Years

The City will use the information in this table to contact occupants to make a replacement unit determination. Providing accurate information benefits your project timeline. Be sure to include all occupants for each unit for the last five years. If additional rows are needed to list all occupants, regardless if they live in a single-family dwelling or apartment, copy this page, complete it, and attach it to the application.

#	Occupant Name	Unit #	House-hold Size	Monthly Rent	Annual Household Income	Tenancy Period	Phone #	Email
1	<i>Example Occupant 1</i>	<i>100</i>	<i>3</i>	<i>\$1100</i>	<i>\$39,000</i>	<i>02/08/2017 - 01/31/2019</i>	<i>626-555-1212</i>	<i>Example@gmail.com</i>
2	<i>Example Occupant 2</i>	<i>100</i>	<i>2</i>	<i>\$1150</i>	<i>\$51,000</i>	<i>06/01/2019 - Current</i>	<i>626-123-4567</i>	<i>Example2@yahoo.com</i>
1								
2								
3								
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9								
10								
11								
12								



# Glendora Community Development Department

## SB 330 Residential Replacement Unit Determination Form

If a unit had a period of vacancy within the last five years, please include the vacancy period. The tenancy and occupant income status for each unit over the last five years must be documented, understanding periods of vacancy will help complete this requirement.

Unit #	Vacancy Period

Unit #	Vacancy Period

If a unit is not currently rented, explain its current use and last date of the tenancy.

Unit #	Last Date of Tenancy	Current Use

Additional notes/information:

**5. Owner's Signature Block and Authorizing Documents**



# Glendora Community Development Department

## SB 330 Residential Replacement Unit Determination Form

The owner understands that any city land-use covenant generated following the completion of this replacement unit determination must be senior to any deed/s of trust recorded against the real property on which the owner's proposed project will sit. It is further understood that the owner is responsible for obtaining signatures from their respective lender/s for any required subordination/s. If additional signatures are needed, copy this page, and attach them to the application. Subordinations will be required if applicable.

All owner's initials here: \_\_\_\_\_

All documentation must be received within 30 days of the date that this application was signed by the owner/s. Incomplete forms will not be processed.

\_\_\_\_\_  
Signature of Owner

\_\_\_\_\_  
Date

Under penalty of perjury, I certify that the information presented in this application is true and accurate to the best of my knowledge.

\_\_\_\_\_  
Signature of Owner

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of Owner

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of Owner

\_\_\_\_\_  
Date

**Must be notarized. Attach additional sheets if necessary.**



6. Owner's Affidavit when the Property Owner is the Applicant

Regarding the property located at Address

Address

City State Zip

Parcel Numbers (Use LA County AINs)

Owner or entity name:

- a. Owner is the legal owner of the above-referenced real property (property); and
b. That the person/s identified below (authorized signatory/ies) has/have been legally authorized to sign on the owner's behalf as evidenced by the separate instrument/s attached herewith; and
c. The documents furnished herewith represent the full and complete information required for the residential replacement unit determination requested for the property and that the facts, statements, and information presented are true and correct to the best of the owner's knowledge and belief.
d. The owner declares under penalty of perjury that the foregoing is true and correct.

Executed on

Date

Print Name

Signature

Print Name

Signature

Must be notarized. Attach additional sheets if necessary.



7. Applicant Affidavit and Owner Acknowledgement when Separate Entities

Regarding the property located at Address

Address

City State Zip

Parcel Numbers (Use LA County AINs)

Three horizontal lines for entering parcel numbers.

I the applicant – enter name(s):

Horizontal line for entering applicant name(s).

- a. Applicant is the potential future developer of the above-referenced real property owned by property owner name(s)
b. That the person/s identified below (Authorized Signatory/ies) has/have been legally authorized to sign on the owner’s behalf as evidenced by the separate instrument/s attached herewith; and
c. The documents furnished herewith represent the full and complete information required for the residential replacement unit determination requested for the property and that the facts, statements, and information presented are true and correct to the best of the applicant’s knowledge and belief.
d. The applicant declares under penalty of perjury that the foregoing is true and correct.

Executed on

Date

Print Name

Signature

Print Name

Signature

Must be notarized. Attach additional sheets if necessary.



**2022 Los Angeles County Income Limits:**

If any units proposed for demolition are, or within the last 5 years, occupied by a very low- or low-income household, units are considered “protected” and require replacement. Please use the following table to determine income category of occupants occupying units. Responsibility of acquiring required information is that of property owner.

Household Size	Protected Unit Income Level by Category		Non-Protected Income Levels
	Very-Low	Low	Moderate or Above
1	Up to \$41,700	\$41,701 – \$66,750	\$66,751 and Above
2	Up to \$47,650	\$47,651 - \$76,250	\$76,251 and Above
3	Up to \$53,600	\$53,601 - \$85,800	\$85,801 and Above
4	Up to \$59,550	\$59,551 - \$95,300	\$95,301 and Above
5	Up to \$64,350	\$64,351 - \$102,950	\$102,951 and Above
6	Up to \$69,100	\$69,101 - \$110,550	\$110,551 and Above

Effective April 18, 2022

If incomes are unknown, assume a proportion of units are “protected” in accordance to the proportion of lower-income renter households in the City. For example, for a 5-unit apartment building, assume 1 unit was occupied by a very-low income household and 1 unit was occupied by low-income households based on the proportions below. The HUD database can be accessed at the following link:

[https://www.huduser.gov/portal/pdrdatas\\_landing.html](https://www.huduser.gov/portal/pdrdatas_landing.html)

Proportion of Renter Households by Income Level – City of Glendora Comprehensive Housing Affordability Strategy (CHAS) 2014 – 2018 ACS		
Income Level	Renter Households	Percentage of Total Rental Households
Very Low Income	1,695	33%
Low Income	960	19%
Moderate Income	515	10%
Above Moderate Income	1,910	38%
<b>Total</b>	<b>5,080</b>	<b>100%</b>

**Senate Bill No. 330, CHAPTER 654, SEC. 13. Chapter 12 (commencing with Section 66300) is added to Division 1 of Title 7 of the Government Code, to read:**

CHAPTER 12. Housing Crisis Act of 2019

66300. (a) As used in this section:

(1) (A) Except as otherwise provided in subparagraph (B), “affected city” means a city, including a charter city, that the Department of Housing and Community Development determines, pursuant to subdivision (e), is in an urbanized area or urban cluster, as designated by the United States Census Bureau.

(B) Notwithstanding subparagraph (A), “affected city” does not include any city that has a population of 5,000 or less and is not located within an urbanized area, as designated by the United States Census Bureau.

(2) “Affected county” means a census designated place, based on the 2013-2017 American Community Survey 5-year Estimates, that is wholly located within the boundaries of an urbanized area, as designated by the United States Census Bureau.

(3) Notwithstanding any other law, “affected county” and “affected city” includes the electorate of an affected county or city exercising its local initiative or referendum power, whether that power is derived from the California Constitution, statute, or the charter or ordinances of the affected county or city.

(4) “Department” means the Department of Housing and Community Development.

(5) “Development policy, standard, or condition” means any of the following:

(A) A provision of, or amendment to, a general plan.

(B) A provision of, or amendment to, a specific plan.

(C) A provision of, or amendment to, a zoning ordinance.

(D) A subdivision standard or criterion.

(6) “Housing development project” has the same meaning as defined in paragraph (2) of subdivision (h) of Section 65589.5.

(7) “Objective design standard” means a design standard that involve no personal or subjective judgment by a public official and is uniformly verifiable by reference to an external and uniform benchmark or criterion available and knowable by both the development applicant or proponent and the public official before submittal of an application.

(b) (1) Notwithstanding any other law except as provided in subdivision (i), with respect to land where housing is an allowable use, an affected county or an affected city shall not enact a development policy, standard, or condition that would have any of the following effects:

(A) Changing the general plan land use designation, specific plan land use designation, or zoning of a parcel or parcels of property to a less intensive use or reducing the intensity of land use within an existing general plan land use designation, specific plan land use designation, or zoning district below what was allowed under the land use designation and zoning ordinances of the affected county or affected city, as applicable, as in effect on January 1, 2018, except as otherwise provided in clause (ii) of subparagraph (B). For purposes of this subparagraph, “less intensive use” includes, but is not limited to, reductions to height, density, or floor area ratio, new or increased open space or lot size requirements, or new or increased setback requirements, minimum frontage requirements, or maximum lot coverage limitations, or anything that would lessen the intensity of housing.

(B) (i) Imposing a moratorium or similar restriction or limitation on housing development, including mixed-use development, within all or a portion of the jurisdiction of the affected county or city, other than to specifically protect against an imminent threat to the health and safety of persons residing in, or within the immediate vicinity of, the area subject to the moratorium or for projects specifically identified as existing restricted affordable housing.

(ii) The affected county or affected city, as applicable, shall not enforce a zoning ordinance imposing a moratorium or other similar restriction on or limitation of housing development until it has submitted the ordinance to, and received approval from, the department. The department shall approve a zoning ordinance submitted to it pursuant to this subparagraph only if it determines that the zoning ordinance satisfies the requirements of this subparagraph. If the department denies approval of a zoning ordinance imposing a moratorium or similar restriction or limitation on housing development as inconsistent with this subparagraph, that ordinance shall be deemed void.

(C) Imposing or enforcing design standards established on or after January 1, 2020, that are not objective design standards.

(D) Except as provided in subparagraph (E), establishing or implementing any provision that:

(i) Limits the number of land use approvals or permits necessary for the approval and construction of housing that will be issued or allocated within all or a portion of the affected county or affected city, as applicable.

(ii) Acts as a cap on the number of housing units that can be approved or constructed either annually or for some other time period.

(iii) Limits the population of the affected county or affected city, as applicable.

(E) Notwithstanding subparagraph (D), an affected county or affected city may enforce a limit on the number of approvals or permits or a cap on the number of housing units that can be approved or constructed if the provision of law imposing the limit was approved by voters prior to January 1, 2005, and the affected county or affected city is located in a

predominantly agricultural county. For the purposes of this subparagraph, “predominantly agricultural county” means a county that meets both of the following, as determined by the most recent California Farmland Conversion Report produced by the Department of Conservation:

(i) Has more than 550,000 acres of agricultural land.

(ii) At least one-half of the county area is agricultural land.

(2) Any development policy, standard, or condition enacted on or after the effective date of this section that does not comply with this section shall be deemed void.

(c) Notwithstanding subdivisions (b) and (f), an affected county or affected city may enact a development policy, standard, or condition to prohibit the commercial use of land that is designated for residential use, including, but not limited to, short-term occupancy of a residence, consistent with the authority conferred on the county or city by other law.

(d) Notwithstanding any other provision of this section, both of the following shall apply:

(1) An affected city or an affected county shall not approve a housing development project that will require the demolition of residential dwelling units unless the project will create at least as many residential dwelling units as will be demolished.

(2) An affected city or an affected county shall not approve a housing development project that will require the demolition of occupied or vacant protected units, unless all of the following apply:

(A) (i) The project will replace all existing or demolished protected units.

(ii) Any protected units replaced pursuant to this subparagraph shall be considered in determining whether the housing development project satisfies the requirements of Section 65915 or a locally adopted requirement that requires, as a condition of the development of residential rental units, that the project provide a certain percentage of residential rental units affordable to, and occupied by, households with incomes that do not exceed the limits for moderate-income, lower income, very low income, or extremely low income households, as specified in Sections 50079.5, 50093, 50105, and 50106 of the Health and Safety Code.

(iii) Notwithstanding clause (i), in the case of a protected unit that is or was, within the five-year period preceding the application, subject to a form of rent or price control through a local government’s valid exercise of its police power, and that is or was occupied by persons or families above lower income, the affected city or affected county may do either of the following:

(l) Require that the replacement units be made available at affordable rent or affordable housing cost to, and occupied by, low-income persons or families. If the replacement units will be rental dwelling units, these units shall be subject to a recorded affordability restriction for at least 55 years.

(II) Require that the units be replaced in compliance with the jurisdiction's rent or price control ordinance, provided that each unit is replaced. Unless otherwise required by the affected city or affected county's rent or price control ordinance, these units shall not be subject to a recorded affordability restriction.

(B) The housing development project will include at least as many residential dwelling units as the greatest number of residential dwelling units that existed on the project site within the last five years.

(C) Any existing residents will be allowed to occupy their units until six months before the start of construction activities with proper notice, subject to Chapter 16 (commencing with Section 7260) of Division 7 of Title 1.

(D) The developer agrees to provide both of the following to the occupants of any protected units:

(i) Relocation benefits to the occupants of those affordable residential rental units, subject to Chapter 16 (commencing with Section 7260) of Division 7 of Title 1.

(ii) A right of first refusal for a comparable unit available in the new housing development affordable to the household at an affordable rent, as defined in Section 50053 of the Health and Safety Code, or an affordable housing cost, as defined in 50052.5.

(E) For purposes of this paragraph:

(i) "Equivalent size" means that the replacement units contain at least the same total number of bedrooms as the units being replaced.

(ii) "Protected units" means any of the following:

(I) Residential dwelling units that are or were subject to a recorded covenant, ordinance, or law that restricts rents to levels affordable to persons and families of lower or very low income within the past five years.

(II) Residential dwelling units that are or were subject to any form of rent or price control through a public entity's valid exercise of its police power within the past five years.

(III) Residential dwelling units that are or were occupied by lower or very low income households within the past five years.

(IV) Residential dwelling units that were withdrawn from rent or lease in accordance with Chapter 12.75 (commencing with Section 7060) of Division 7 of Title 1 within the past 10 years.

(iii) "Replace" shall have the same meaning as provided in subparagraph (B) of paragraph (3) of subdivision (c) of Section 65915.

(3) This subdivision shall not supersede any objective provision of a locally adopted ordinance that places restrictions on the demolition of residential dwelling units or the subdivision of residential rental units that are more protective of lower income

households, requires the provision of a greater number of units affordable to lower income households, or that requires greater relocation assistance to displaced households.

(4) This subdivision shall only apply to a housing development project that submits a complete application pursuant to Section 65943 on or after January 1, 2020.

(e) The Department of Housing and Community Development shall determine those cities and counties in this state that are affected cities and affected counties, in accordance with subdivision (a) by June 30, 2020. The department may update the list of affected cities and affected counties once on or after January 1, 2021, to account for changes in urbanized areas or urban clusters due to new data obtained from the 2020 census. The department's determination shall remain valid until January 1, 2025.

(f) (1) Except as provided in paragraphs (3) and (4) and subdivisions (h) and (i), this section shall prevail over any conflicting provision of this title or other law regulating housing development in this state to the extent that this section more fully advances the intent specified in paragraph (2).

(2) It is the intent of the Legislature that this section be broadly construed so as to maximize the development of housing within this state. Any exception to the requirements of this section, including an exception for the health and safety of occupants of a housing development project, shall be construed narrowly.

(3) This section shall not be construed as prohibiting the adoption or amendment of a development policy, standard, or condition in a manner that:

(A) Allows greater density.

(B) Facilitates the development of housing.

(C) Reduces the costs to a housing development project.

(D) Imposes or implements mitigation measures as necessary to comply with the California Environmental Quality Act (Division 13 (commencing with Section 21000) of the Public Resources Code).

(4) This section shall not apply to a housing development project located within a very high fire hazard severity zone. For purposes of this paragraph, "very high fire hazard severity zone" has the same meaning as provided in Section 51177.

(g) This section shall not be construed to void a height limit, urban growth boundary, or urban limit established by the electorate of an affected county or an affected city, provided that the height limit, urban growth boundary, or urban limit complies with subparagraph (A) of paragraph (1) of subdivision (b).

(h) (1) Nothing in this section supersedes, limits, or otherwise modifies the requirements of, or the standards of review pursuant to, Division 13 (commencing with Section 21000) of the Public Resources Code.

(2) Nothing in this section supersedes, limits, or otherwise modifies the requirements of the California Coastal Act of 1976 (Division 20 (commencing with Section 30000) of the Public Resources Code). For a housing development project proposed within the coastal zone, nothing in this section shall be construed to prohibit an affected county or an affected city from enacting a development policy, standard, or condition necessary to implement or amend a certified local coastal program consistent with the California Coastal Act of 1976 (Division 20 (commencing with Section 30000) of the Public Resources Code).

(i) (1) This section does not prohibit an affected county or an affected city from changing a land use designation or zoning ordinance to a less intensive use if the city or county concurrently changes the development standards, policies, and conditions applicable to other parcels within the jurisdiction to ensure that there is no net loss in residential capacity.

(2) This section does not prohibit an affected county or an affected city from changing a land use designation or zoning ordinance to a less intensive use on a site that is a mobilehome park, as defined in Section 18214 of the Health and Safety Code, as of the effective date of this section, and the no net loss requirement in paragraph (1) shall not apply.

(j) Notwithstanding subdivisions (b) and (f), this section does not prohibit an affected city or an affected county from enacting a development policy, standard, or condition that is intended to preserve or facilitate the production of housing for lower income households, as defined in Section 50079.5 of the Health and Safety Code, or housing types that traditionally serve lower income households, including mobilehome parks, single-room occupancy units, or units subject to any form of rent or price control through a public entity's valid exercise of its police power.