

## INFORMATION RE: REPLACEMENT UNIT DETERMINATION HOUSING CRISIS ACT OF 2019 (SB 330)

The Housing Crisis Act of 2019 prohibits the approval of any proposed housing development project on a site that will require the demolition of existing residential dwelling units or occupied or vacant "Protected Units" unless the proposed housing development project replaces those units as specified below. The replacement requirements below are applicable only to those proposed housing development projects that submit a complete application pursuant to California Government Code Section 65943 to the Los Angeles City Planning Department on or after January 1, 2020, and requires a discretionary entitlement process with CPD. Ministerial (By-right) projects are not subject to the following replacement requirements, but may be subject to other replacement requirements (i.e. density bonus) depending on the types of land use incentives being sought for the project, if any.

### **Replacement of Existing Residential Dwelling Units.**

The proposed housing development project shall provide at least as many residential dwelling units as the greatest number of residential dwelling units that existed on the project site within the past 5 years.

### **Replacement of Existing or Demolished Protected Units.**

The proposed housing development project must also replace all existing or demolished "Protected Units." Protected Units are those residential dwelling units that are or were within the 5 years prior to the owner's application for a Replacement Unit Determination: **(1)** subject to a recorded covenant, ordinance, or law that restricts rents to levels affordable to persons and families of lower or very low income, **(2)** subject to *any* form of rent or price control through a public entity's valid exercise of its police power within the 5 past years, **(3) occupied by lower or very low income households (an affordable Protected Unit)**, or **(4)** that were withdrawn from rent or lease per the Ellis Act, within the past 10 years.

Whether a unit qualifies as an affordable Protected Unit, is primarily measured by the income level of the occupants (i.e. W-2 forms, tax return, pay stubs etc.) HCIDLA will send requests for information to each occupant of the existing project which can take up to 4 to 6 weeks to be returned. It is the owner's responsibility to work with the occupants to ensure the requested information is timely produced.

- **In the absence of occupant income documentation:** Affordability will default to the percentage of extremely low, very low, and low income renters in the jurisdiction as shown in the latest HUD Comprehensive Housing Affordability Strategy (CHAS) database, which as of September 1, 2020, is at 30% extremely low income, 19% very low income and 18% low income for Transit Oriented communities (TOC) projects and 49% very low income and 18% low income for Density Bonus projects. The remaining 33% of the units are presumed **above-low income**. All replacement calculations resulting in fractional units shall be rounded up to the next whole number.

**Replacement of Protected Units subject to the Rent Stabilization Ordinance, last occupied by persons or families at moderate-income or above:** The City has the option to require that the proposed housing development project shall provide: (1) replacement units affordable to low-income households for a period of at least 55 years (rental units shall be subject to a recorded covenant) OR (2) require the units to be replaced in compliance with the RSO.

### **Relocation, Right of Return, Right to Remain for occupants of Protected Units.**

SB 330 also provides 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. Replacement units must be of the same bedroom type of the units demolished. 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 the right to remain in their unit until 6 months before the start of construction.

### **Application for a Replacement Unit Determination.**

Owners of proposed housing developments subject to the above replacement obligations must complete an application for a Replacement Unit Determination (RUD) with the Los Angeles Housing + Community Investment Department (HCIDLA). Information provided by the owner and existing tenants, as well as information gathered by HCIDLA will be used to determine whether any Protected Units exist. A RUD can take up to 6 to 8 weeks to process upon receipt of all the required documents. Owner will be provided with the completed RUD with a copy sent to the Department of City Planning. For additional questions about the RUD, please contact HCIDLA at [HCIDLA.LandUse@LACity.org](mailto:HCIDLA.LandUse@LACity.org).

## APPLICATION FOR A REPLACEMENT UNIT DETERMINATION HOUSING CRISIS ACT OF 2019 (SB 330)

To receive a Replacement Unit Determination, please complete the following and attach all required documentation. Please attach an explanation for any information you are unable to provide. Please put project address at the top of all attachment pages submitted.

HIMS # \_\_\_\_\_

*(For internal use only)*

### SB 330 Processing Fees

	Number of Units	Total Fee
Per Unit Fee: _____ per unit		

Check Amount:	
Check Number:	
Check Date:	

### Property Owner

Name:		Contact Person:	
Address:			
Phone:	Fax:	Cell:	Email:

### Owner Contact

Name:		Title:	
Address:			
Phone:	Fax:	Cell:	Email:

### Applicant (if different from Owner)

Name:		Contact Person:	
Role in Property:		Address:	
Phone:	Fax:	Cell:	Email:

**Project Type (Check all that apply):** DB      TOC      PSH      JJJ      SB35      AB 2162

**Proposed Project Type (Check one):** Apartment      Condo

**Discretionary Entitlements with DCP? (Check one):** Yes      No

Description of PROPOSED construction/conversion:

Building Permit Application Number(s):
If no Building Permit Application, please explain:
City Planning Dept. Case #(s) and Tentative Tract #(s):

**EXISTING PROPERTY (include ALL existing buildings within the last 5 years in complex - attach additional pages if needed)**

APN Number(s):		
Lot Number(s):		
Does this property have a Certificate of Occupancy issued on or before October 1, 1978?		
Are there any residential dwelling units withdrawn from rent or lease within the last 10 years? If yes, provide the date.		
Does this property have a recorded lot tie?		
Building Address/Unit #s:	# of Bedrooms in Each Unit	# of Units in Building
Add Total Units in Complex:		

**Description of existing units, buildings or APN within the last five years**

**Miscellaneous project details, notes, comments, etc.**



## **Required Documents**

Please mail or email to: **Los Angeles Housing + Community Investment Department**

Applicant's Affidavit + Owner's Acknowledgment (with attached letter signed by owner of record and notarized)

Letter of Application (List units within the last 5 years, including unit #, unit square footage, and number of bedrooms.

If unit is rented, provide tenant information on Tenant Information Table. If unit is not rented, explain its current use, and give date last tenant vacated

Information to prove vacancy or occupancy status within the last five years Examples: utility bills, property tax bills, IRS forms with W2s

Grant Deed (Recorded)

Ellis documents, tenant relocation documents (RSO units), if available

City Planning Determination and/or Vesting/Tentative Tract Letters, if project has one

Los Angeles Housing+ Community Investment  
Department  
Planning and Land Use Unit  
Finance and Development Division  
Re: Replacement Unit Determination (SB330)  
1200 W. 7th St., Los Angeles, CA 90017

### **\*\*IMPORTANT - SUBORDINATIONS WILL BE REQUIRED, IF APPLICABLE\*\***

**OWNER UNDERSTANDS THAT ANY CITY LAND USE COVENANT GENERATED FOLLOWING THE COMPLETION OF THIS DETERMINATION, MUST BE SENIOR TO ANY DEED(S) OF TRUST RECORDED AGAINST THE REAL PROPERTY ON WHICH OWNER'S PROPOSED PROJECT WILL SIT AND THAT OWNER IS RESPONSIBLE FOR OBTAINING SIGNATURES FROM THEIR RESPECTIVE LENDER(S) FOR ANY REQUIRED SUBORDINATION(S). INITIAL HERE: \_\_\_\_\_**

All documentation must be received within 30 days of the date this application was signed by Owner. For additional questions, please contact HCIDLA at [HCIDLA.LandUse@LACity.org](mailto:HCIDLA.LandUse@LACity.org)

Date: _____
Signature of Owner _____
<i>Under penalty of perjury, I certify that the information presented in this application is true and accurate to the best of my knowledge. Title 18, Section 1001 of the U.S. Code states that a person is guilty of felony for knowingly and willingly making false or fraudulent statements to any department of the United States Government.</i>



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

To: Los Angeles Housing + Community Investment Department (HCIDLA)  
Planning and Land Use Unit - Replacement Unit Determination (SB 330)  
1200 W. 7<sup>th</sup> Street, 8<sup>th</sup> FL  
Los Angeles, California 90017

Re: \_\_\_\_\_  
Address (including apartment or unit number/s)

\_\_\_\_\_  
(All APN Numbers)

**OWNER'S AFFIDAVIT**  
**(Use when owner is the applicant)**

\_\_\_\_\_  
[circle one: a LLC, LP, corporation,  
other: \_\_\_\_\_] ("Owner") hereby certifies that:

- (1) Owner is the legal owner of the above-referenced real property ("Property"); and
- (2) That the person(s) identified below ("Authorized Signatory/ies") has/have been legally authorized to sign on its behalf as evidenced by the separate instrument(s) attached herewith; and
- (3) The documents furnished to HCIDLA in conjunction herewith, represent the full and complete information required for the Replacement Unit Determination requested for the Property and that the facts, statements and information presented are true and correct to the best of its knowledge and belief.

Owner declares under penalty of perjury under the State of California that the foregoing is true and correct.

**\*Attach California Notary Public Acknowledgement**

Executed on \_\_\_\_\_ at \_\_\_\_\_, California  
(Date) (City)

Print Full Name of Authorized Signatory/ies: \_\_\_\_\_

Signature of Authorized Signatory/ies: \_\_\_\_\_

(additional signature lines may be added as needed)



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

To: Los Angeles Housing + Community Investment Department (HCIDLA)  
Planning and Land Use Unit Section - Affordable Unit Determination  
1200 W. 7<sup>th</sup> Street, 8<sup>th</sup> FL  
Los Angeles, California 90017

Re: \_\_\_\_\_  
Address (including apartment or unit number/s)

\_\_\_\_\_  
(All APN Numbers)

**APPLICANT'S AFFIDAVIT AND OWNER'S ACKNOWLEDGMENT**  
**(Use when Applicant and Owner are separate entities)**

\_\_\_\_\_  
[circle one: an LLC, LP, corporation,  
other: \_\_\_\_\_] ("Applicant") hereby certifies that:

(1) Applicant is the potential future developer of the above-referenced real property  
("Property") owned by \_\_\_\_\_ [circle one: an LLC, LP, corporation,  
other: \_\_\_\_\_] ("Owner"); and

(2) That the person(s) identified below ("Authorized Signatory/ies") has/have been legally  
authorized to sign on Owner's behalf as evidenced by the separate instrument(s) attached  
herewith; and

(3) The documents furnished to HCIDLA in conjunction herewith, represent the full and  
complete information required for the Affordable Unit Determination requested for the Property  
and that the facts, statements and information presented are true and correct to the best of its  
knowledge and belief.

Applicant declares under penalty of perjury under the State of California that the foregoing is  
true and correct.

**\*Attach California Notary Public Acknowledgement**

Executed on \_\_\_\_\_ at \_\_\_\_\_, California  
(Date) (City)

Print Full Name of Authorized Signatory/ies: \_\_\_\_\_

Signature of Authorized Signatory/ies: \_\_\_\_\_

(additional signature lines may be added as needed)

**OWNER'S ACKNOWLEDGMENT:**

Owner and/or Applicant must also attach hereto:

A letter from the Owner [on business letterhead as applicable] to the City, attesting to ownership of the Property and confirming that Applicant is the potential future developer of the Property, that Owner is aware of, has no objections to, and authorizes the Applicant to submit an Affordable Unit Determination to HCIDLA for its Property.

- If the Owner is an LLC, the letter must be signed by all Managers or Managing Members.
- If the Owner is a LP, the letter must be signed by all General Partners.
- If the Owner is a Corporation, the letter must be signed by the CEO and Secretary or Chief Financial Officer.

Eric Garcetti, Mayor  
Ann Sewill, General Manager