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**THE CITY OF SAN DIEGO**  
WHEN RECORDED, MAIL TO:

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## Affidavit: Owner Occupancy Declaration for Subdivisions, Pursuant to Senate Bill 9

**Project Number** \_\_\_\_\_

The purpose of this affidavit is for the property owner to affirm compliance with the regulations that pertain to owner-occupancy of a property subdivided pursuant to [Senate Bill 9 \(SB 9\)](#) and the [San Diego Municipal Code \(SDMC\) §143.1315](#).

### Declaration:

I am the Owner of the Premises located at:

\_\_\_\_\_ Street Address

\_\_\_\_\_ Assessor Parcel No.

I propose a lot split (subdivision) of the Premises (Project) in accordance with the provisions of [SB 9](#), codified in the [California Government Code](#) (Cal. Govt Code) and incorporated into local regulations in the City of [SDMC §143.1303](#) of the Land Development Code as the Multi-Dwelling Unit and Urban Lot Split Regulations for Single Family Zones. I have performed due diligence, including but not limited to a title search and attest to the following:

***(Select and initial only one of the following two sections.)***

### Section One

Exemption

The Owner is exempt from this requirement because the Owner is a qualified community land trust or qualified non-profit as specified by [Cal. Govt Code Section 66411.7](#).

**OR**

### Section Two

Owner Compliance

Duration: I shall occupy at least one of the units on the Premises as my primary residence as follows: ***(Select one.)***

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- I shall occupy an existing unit on the Premises for at least three years from the date of the approval of the subdivision; or
- Following the approval of the subdivision, I shall occupy the first newly constructed unit on the Premises upon completion of construction for at least three years from the date the Certificate of Occupancy is issued; and

I shall comply with the requirement in the following manner: **(Select one.)**

- One or more individuals own or jointly own the Premises, and one or more of those individuals, \_\_\_\_\_, will personally satisfy this requirement; or
- The Owner is a trust or LLC and designates an Owner-Affiliated Individual (either a trustee, trust beneficiary, or member), \_\_\_\_\_, to satisfy this requirement. An Individual or Owner-Affiliated Individual satisfying this requirement shall use the Premises as a primary residence and shall not have more than one primary residence. This requirement shall not be transferred to any successors in ownership except upon the individual's death or medical incapacity to satisfy the residency requirement, in which case the Owner shall supply a qualifying alternate individual to complete the remaining term of the residency.

**Acknowledgments:**

Owner is electing to develop these Premises pursuant to [SB 9](#) and acknowledges that other restrictions, which include both personal obligations as well as obligations that run with the land, may also apply to the Premises and that they may bind me and any successor(s) in ownership, in perpetuity, and I acknowledge that I have a responsibility to comply with all applicable regulations. The Owner has an obligation to comply and maintain compliance with the restrictions and shall, upon request by City, furnish evidence of compliance, the sufficiency of which shall be determined by the City. Compliance with the restrictions is a condition of approval for the Project and failure to comply with one or more restrictions may result in penalties including, but not limited to, revocation of the approval(s) for the Project.

I \_\_\_\_\_, certify, under penalty of perjury under the laws of the State of California, that the foregoing is true and correct.

<p><b>THE CITY OF SAN DIEGO</b></p>	<p>I hereby certify I am the record owner of the property and that I have read all of this Affidavit, this _____ day of _____, _____</p> <p style="text-align: center;">Month                      Year</p>
<p>Approved by:</p>	<p>By:</p>
<p>Signature:</p>	<p>Owner Signature:</p>
<p>Title</p>	<p>Company/Organization Name:</p>

Reference Table
<ul style="list-style-type: none"> <li><a href="#">San Diego Municipal Code</a> (SDMC)</li> <li><a href="#">California Government Code</a></li> <li><a href="#">Senate Bill 9</a> (SB 9)</li> </ul>