



Declaration: Eligibility and Acknowledgement of Restrictions Related to Senate Bill 9

This affidavit is for the property owner to affirm compliance with the regulations that govern eligibility for subdivision or development pursuant to [Senate Bill 9](#) and [San Diego Municipal Code \(SDMC\) §143.1315](#) and agree to abide by applicable restrictions.

Declaration:

I am the Owner of the Premises located at:

Street Address: _____

Assessor Parcel Number (APN): _____

I propose a lot split (subdivision of the Premises) or the construction of one or more dwelling units on a Premises, or both (Project) in accordance with the provisions of [Senate Bill 9 of 2021](#), codified in the [California Government Code](#) (Cal. Govt Code) and incorporated into local regulations in the [SDMC §143.1303](#) as the Multi-Dwelling Unit and Urban Lot Split Regulations for Single Family Zones and, by signing this form, state that the Project meets all applicable eligibility qualifications and acknowledge that the Premises is subject to ongoing obligations associated with the Project. I provide the following information to describe further how the Project complies with the relevant regulations and acknowledge my obligations with respect to the Project:

A. The Project meets all applicable eligibility qualifications:

1. With regard to any existing housing on the Premises: (*initial one*)

____ There are no existing dwelling units on the Premises.

____ There are one or more existing dwelling units on the Premises, and the Project does not propose the demolition or alteration of any of the types of affordable or rental dwelling units specified by [Cal. Govt Code §65852.21](#).

For reference, at the time of publication of this form, that includes any dwelling unit:

- Subject to a recorded covenant, ordinance, or law that restricts rents to levels affordable to persons and families of moderate, low or very low income.
- Subject to any form of rent or price control through a public entity's valid exercise of its police power.
- That has been occupied by a tenant in the last three years.

See [Cal. Govt Code §65852.21\(a\)\(3\)](#)

2. With regard to any existing structure(s) on the Premises: (*initial one*)

_____ The Premises contains no existing structure(s).

_____ The Premises contains one or more existing structure(s), but the Project does not propose to alter it/them.

_____ The Premises contains one or more existing structures and the Project proposes to alter it/them but does not propose the demolition of more than 25 percent of the exterior structural walls of the structure proposed for alteration.

_____ The Premises contains one or more existing structures and the Project does propose the demolition of more than 25 percent of the exterior structural walls of the structure proposed for alteration, and the City of San Diego’s Municipal Code allows such demolition and the Applicant has obtained or will, as part of this Project, obtain all required demolition permit(s).

_____ The Premises contains one or more existing structures and the Project does propose the demolition of more than 25 percent of the exterior structural walls of the structure proposed for alteration and the premises have not been occupied by a tenant in the last three years.

3. With regard to the use of the Premises:

_____ The Premises is not one on which any owner has, within 15 years before the date of submitting this Project application, exercised rights to discontinue the rent or lease of a “residential hotel” pursuant to [Cal. Govt Code §7060 et seq.](#)

4. With regard to subdivision requirements, either: (*initial one*)

_____ There is no subdivision proposed as part of the Project.

_____ There is a subdivision proposed as part of the Project and I have recorded or will record before issuance of Project permit(s) an affidavit, to the satisfaction of the City Manager, regarding owner-occupancy requirements related to this Project.

B. I acknowledge that the following restrictions, including ongoing restrictions, apply to the Premises and that they bind myself and any successor(s) in ownership, in perpetuity, and I specifically acknowledge and agree to abide by the following:

- 1.** No Premises resulting from a subdivision as part of this Project shall result in more than two lots, nor shall either lot contain more than two dwelling units. Specifically, I acknowledge and understand that the

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Premises shall not be developed with an Accessory Dwelling Unit, Junior Accessory Dwelling Unit, a unit proposed using the provisions of density bonus law or a dwelling unit of any other type if the addition of the unit(s) would result in more than two dwelling units of any type per Premises.

2. No dwelling unit on the Premises shall be used for any purpose other than as a residence.
3. No dwelling unit resulting from the Project shall be offered for rent for any term shorter than 31 days.
4. Compliance with the eligibility qualifications is a prerequisite for approval of the Project and the Owner has an obligation to comply and maintain compliance with the ongoing restrictions and shall, upon request by City, furnish evidence of compliance, the sufficiency of which shall be determined by the City.
5. 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.

Owner Signature:

Name: _____

Signature: _____

Date: _____

Reference Table

- [San Diego Municipal Code \(SDMC\)](#)
- [California Government Code \(Cal. Govt Code\)](#)
- [Senate Bill 9 \(SB 9\)](#)

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