

# Deed Restriction Instructions

## Junior Accessory Dwelling Unit in a Single-Family Home

This deed restriction is a requirement for approval of a junior accessory dwelling unit (JADU) within a single-family home pursuant to Section 65852.22 of the California Government Code and Section 4.10.015 of the County Zoning Ordinance. Upon recordation, it informs future property owners of the applicable restrictions related to such JADUs.

It is the responsibility of the current property owner to fulfill this condition, which requires completing the following steps:

1. Obtain a copy of the current deed, either from the owner's records, or from the County Recorder's Office. Note precisely how the owners' names are printed on the document.
2. Access the deed restriction form on the Planning Office web site: <[sccplanning.org](http://sccplanning.org)>. Type "Deed Restriction" in the search area (on top bar) of the Planning Office web site and follow the link. Forms for recording have to be single-sided. If you do not have internet access, the Planning Office will provide blank forms.
3. Enter the appropriate information in the following fields:
  - Mailing address - County Recorder will mail you back the original after recording.
  - Site Address – Location of the project, please provide APN also.
  - Property Owner(s) – Provide the names of all recorded title holders as they are listed on the deed. Attach the deed to the back of the two-page form.
4. Sign the document and have it notarized by a notary public. The document must be signed by all owners of the property.
5. Make one photocopy of the complete notarized document. You may wish to make an additional copy for your records.
6. Take the original and photocopy to the County Recorder's Office, which is located on the first floor of the County Government Center.
7. The recording clerk will review the document, stamp "Conformed Copy" on the photocopy and record the original deed restriction. A recording [fee](#) (typically \$100–\$150) will apply.
8. Take the "conformed" copy to the Planning Office and submit as evidence that the deed restriction has been recorded. Your building permit cannot be signed off until this document copy has been received.

This procedure shall be followed for all other types of deed restriction imposed as conditions of permit approval.

RECORDING REQUESTED BY  
COUNTY OF SANTA CLARA

RETURN TO:

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Recorded pursuant to Government Code Sections 27280 and 65852.22, and County of Santa Clara Ordinance Code, Title C, Appendix I – Zoning, Section 4.10.015.

**DECLARATION OF DEED RESTRICTION  
REGARDING JUNIOR ACCESSORY DWELLING**

Property Owner(s): \_\_\_\_\_ [list all owners exactly as named in deed] (collectively, “Property Owner”).

Property Address & Assessor’s Parcel Number: \_\_\_\_\_

RECITALS

Whereas, Property Owner is the present owner of certain real property located in the County of Santa Clara, State of California, located at \_\_\_\_\_ [address], Assessor’s Parcel Number \_\_\_\_\_, and which is more particularly described in the deed attached hereto and made a part hereof.

Whereas, the term “Property Owner” includes all persons, corporations or organizations with any record title interest in the Property and all heirs or beneficiaries named in a valid declaration of trust holding title to the Property.

Whereas, Property Owner and/or persons acting on behalf of Property Owner proposes to construct a junior accessory dwelling unit within a single-family residence or to convert part of an existing single-family residence to a junior accessory dwelling unit.

Whereas, Government Code Section 65852.22 establishes requirements for junior accessory dwelling units, including an owner-occupancy requirement and recordation of a deed restriction.

Whereas, County of Santa Clara Ordinance Code, Title C, Appendix I – Zoning, Section 4.10.015 also requires junior accessory dwelling units to comply with various requirements, including but not limited to owner-occupancy.

NOW, THEREFORE, Property Owner hereby declares as follows:

1. This instrument is a deed restriction in compliance with Government Code Section 65852.22 and the County of Santa Clara Zoning Ordinance.

2. As a condition of approval for Property Owner’s construction of a junior accessory dwelling unit within a single-family residence or conversion of a portion of an existing single-family residence to a junior accessory dwelling unit, Property Owner agrees to comply with all of the following requirements:

- a. Property Owner shall reside in the single-family residence in which the junior accessory dwelling unit is permitted, either in the junior accessory dwelling unit or in the remaining portion of the structure;
- b. The junior accessory dwelling unit shall not be sold separately from the single-family residence; and
- c. The size and attributes of the junior accessory dwelling unit shall conform with Government Code section 65852.22 and any other applicable state and local laws, regulations, and ordinances applicable to junior accessory dwelling units.

3. This deed restriction is appurtenant to and shall run with the land and shall bind and inure to the benefit of the heirs, personal representatives, successors and assigns of Property Owner.

4. If any provision of this deed restriction is held invalid or in conflict with any applicable federal or state law or regulation, such invalidity or conflict shall not affect the validity of the remaining portions of this deed restriction.

5. The undersigned declare under penalty of perjury that he/she/they are the owner(s) of the Property and has/have executed this *Declaration of Deed Restriction Regarding Junior Accessory Dwelling*.

**Property Owner**

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Name/Title as appears on deed

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Name/Title as appears on deed

[Property deed must be attached. All signatures must be notarized.]