

AFFIDAVIT REGARDING S.B. 9 (2021) ELIGIBILITY

I, _____ [insert owner name], declare as follows:

1. I have personal knowledge of all of the matters stated herein and could testify truthfully thereto if called upon to testify.

2. I am the owner of property located at _____ [address], and assigned Assessor’s Parcel Number(s) _____ (the “Property”).

3. I am submitting this affidavit for the purpose of substantiating the Property’s eligibility for approval of application(s) pursuant to State Bill 9 (2021) (“SB 9”) for the following type(s) of development (the “Project”) [check all that apply]:

___ Development of two primary residential units pursuant to Government Code section 65852.21.

___ An urban lot-split pursuant to Government Code section 66411.7.

4. The proposed Project is eligible for approval pursuant to SB 9 because it complies with all of the following:

a. The Project would not require demolition or alteration of any of the following types of housing:

(i) Housing that is 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;

(ii) Housing that is subject to any form of rent or price control through a public entity’s valid exercise of its police power; or

(iv) Housing that has been occupied by a tenant in the last three years.

b. The Property does not include any parcel for which an owner of residential real property has exercised the owner’s rights under Chapter 12.75 (commencing with Section 7060)

of Division 7 of Title 1 to withdraw accommodations from rent or lease within 15 years before the date that the Project application was submitted to the County of Santa Clara.

5. No owner of the Property being subdivided, nor any person acting in concert with an owner of the Property being subdivided, has previously subdivided a parcel adjacent to the Property using an urban lot split pursuant to Government Code section 66411.7. [Note: This paragraph is only required if the Project involves an urban lot split.]

6. I intend to occupy one of the housing units on the Property as my principal residence for a minimum of three years from the date of approval of the urban lot split. [Note: This paragraph is only required if the Project involves an urban lot split.]

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct:

Dated: _____

[Name]

[Title]