



SB330 HOUSING CRISIS ACT – REPLACEMENT OF “PROTECTED” UNITS

California Senate Bill 330, “The Housing Crisis Act of 2019,” was signed into law by Governor Newsom on October 9, 2019 and became effective January 1, 2020. The bill establishes a statewide housing emergency to be in effect until January 1, 2025. The Housing Crisis Act requires housing projects that will demolish existing residential units to replace those units, as specified. The following requirements shall only be applied to housing development projects that submit a complete development application after January 1, 2020 and/or where the application has not been deemed complete prior to January 1st.

Certain conditions must be applied to housing development projects that would demolish any existing “protected” units occupied by renter households, including units that are or were in the five years prior to development application: (1) affordable units deed-restricted to households earning below 80 percent of area median income (AMI), (2) subject to a local rent control program, (3) occupied by low-income households earning below 80 percent of AMI. Documentation verifying the existence of “protected” units on the subject property will be required.

Any housing development project that would demolish any protected units shall as a condition of approval provide replacement units of the same number of bedrooms, and at an affordable rent or sales price to households of the same or lower income category as that of the last household in occupancy in the past five years. Such rental units shall remain under the affordability restriction for a period of 55 years. The low-income categories defined in state law are: (1) “extremely low income” households earning up to 30% of AMI, (2) “very low income” households earning up to 50% of AMI, and (3) “lower income” households earning up to 80% of AMI.

Where the household income of current or previous occupants is not known, the replacement units shall be provided as affordable to low-income households (earning up to 80% of AMI) in an amount proportional to the number of low-income households present in the jurisdiction according to the most current data from the Comprehensive Housing Affordability Strategy (CHAS) database provided by the Department of Housing and Urban Development (HUD).



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REPLACEMENT UNIT DETERMINATION FORM
Government Code §66300(d)
(To Be Completed By Applicant)

The State of California has implemented legislation that regulates the demolition of housing units. Pursuant to Government Code §66300(d), all housing projects (as defined in Gov. Code §66589.5) demolishing existing residential rental units, or being developed on properties where units have been demolished within the last five (5) years, must provide replacement units at the same affordability level, or more affordable level, for those units that have been, and/or are proposed to be demolished. A housing project cannot reduce the number of existing residential rental units on a property. Applicants must complete the following form at the time of review in order to determine the affordability characteristics of the units on, or previously on (up to five years prior), the subject property, and whether or not replacement units are required. Whenever tenant incomes are unknown, it must be presumed that lower-, and very-low income renter households occupied those units in the same proportion of lower-, and very-low income renter households to all renter households within the City. Therefore, the housing project must provide a number of lower-, and very-low income units proportional to the number of lower-, and very-low renter households found Citywide.

Date Filed: _____

GENERAL INFORMATION:
Project Address:
APN(s):
Zoning & General Plan Land Use:
Proposed Number of Residential Units:
PRIMARY CONTACT INFORMATION:
Name:
Mailing Address:
City, State, Zip Code:
Phone No.:
E-mail:

PROJECT DESCRIPTION:

1. Will the project require any existing residential dwelling units to be demolished?
 Yes No
2. If so, how many existing dwelling units will be demolished? _____

3. As of the date of the application, how many of the existing units that will be demolished are occupied by renters? _____

4. What is the greatest number of residential dwelling units that existed on the project site within the last five (5) years? _____

5. Have any residential dwelling units that existed on the project site within the last five (5) years been demolished? Yes No
6. If so, identify the number of dwelling units that have been demolished, and the date each was demolished. _____

7. For each dwelling unit that is proposed to be demolished, or that was previously demolished within the last five (5) years (whether occupied or vacant):
- a. Was or has any dwelling unit been subject to a recorded covenant, ordinance, or law that restricts rents to levels affordable to persons and families of lower- or very-low income within the last five (5) years?
 Yes No Unknown
 - b. Was or has any dwelling unit been subject to any form of rent or price control imposed by a public entity within the last five (5) years?
 Yes No Unknown
 - c. Was or has any dwelling unit been occupied by one or more lower-income households within the last five (5) years?¹
 Yes No Unknown
 - d. Was or has any dwelling unit been occupied by one or more very-low income households within the last five (5) years?^{1 2}
 Yes No Unknown
 - e. Was, or has any dwelling unit been withdrawn from rent or lease while subject to rent or price controls imposed by a public agency within the last ten (10) years?
 Yes No Unknown
8. For each existing dwelling unit occupied by renters that will be demolished, provide the following information²:
- a. The number of bedrooms in the dwelling unit
 - b. The number of persons residing in the household
 - c. The annual income level of the household

¹“Lower income households” refers to §50079.5, and “very-low income households” refers to §50105 of the California Health and Safety Code (refer to current list of HCD’s State Income Limits). If it is unknown whether each dwelling unit is/was occupied, by a lower-, or very-low income household within the last five (5) years, it shall be rebuttably presumed that lower-, and very-low income renter households occupied these units in the same proportion of lower-, and very-low income renter households to all renter households within the City, as determined by the most recently available data from the United States Department of Housing and Urban Development’s Comprehensive Housing Affordability Strategy database.

²To verify this information, applicants need to provide the number of persons, bedrooms, and verified annual income level of the household, according to the City’s *Tenant Information Packet*. The applicant certifies and declares under penalty of perjury under the laws of the State of California that the answers furnished in their responses, and that the facts, statements, and information presented are true and correct.

CERTIFICATION:

I certify and declare under penalty of perjury under the laws of the State of California that the answers furnished above, and in the attached exhibits, and that the facts, statements, and information presented are true and correct to the best of my knowledge and belief. I further understand that additional information may be required to be submitted to the City of Westminster to complete my review.

Signature

Date

(Attachment)

Replacement Unit Determination (Office Use Only)		
Number of demolished Protected Units:		
Number of demolished units rented (or presumed) for very low income:		
Number of demolished units rented (or presumed) for low income:		
Replacement residential rental units required? <input type="checkbox"/> Yes <input type="checkbox"/> No		
If "yes," how many, at what affordability level, and the number of bedrooms?		
Income	Units Required	Bedrooms per Unit
Very Low:		
Low:		
Staff Analysis: _____		

Completed by:		Date: