



COMMUNITY DEVELOPMENT DEPARTMENT
610 FOSTER CITY BLVD.
FOSTER CITY, CA 94404
650-286-3225

REPLACEMENT UNIT DETERMINATION (RUD) FORM
 (To Be Completed By Applicant)

The Housing Crisis Act of 2019 (Government Code Section 66300 et seq.) prohibits the approval of any proposed housing development that will demolish existing dwelling units unless those units are replaced. Specific provisions apply to the replacement of "protected" units, which are defined to include any of the following:

- I. *Residential dwelling units that are or were 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 past five years.*
- II. *Residential dwelling units that are or were subject to any form of rent or price control through a public entity's valid exercise of its police power within the past five years.*
- III. *Residential dwelling units that are or were occupied by lower or very low income households within the past five years.*
- IV. *Residential dwelling units that were withdrawn from rent or lease in accordance with Chapter 12.75 (commencing with Section 7060) of Division 7 of Title 1 within the past 10 years.*

Housing projects that include the demolition of existing affordable "protected" residential rental units, or which are located on property where affordable "protected" residential rental units have been demolished within the five (5) year period preceding the application date, must provide replacement units for each existing or previously demolished affordable "protected unit" at the same or greater affordability level as those "protected" units. 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 preliminary review in order to determine the affordability characteristics of the existing and previously demolished residential units on the subject property, and whether or not replacement units are required.

In accordance with Government Code §65915(c)(3)(B), where the applicable household income level for a unit is unknown or cannot be verified, it is rebuttably presumed that lower- and/or very-low income renter households occupied those units in the same proportion of lower- and/or very-low income renter households to all renter households within the City, and replacement units in the specified proportions must be provided. The most recently available data from the United States Department of Housing and Urban Development's Comprehensive Housing Affordability Strategy database will be used to determine the proportion of lower- and/or very low-income renter households (<https://www.huduser.gov/portal/datasets/cp.html>).

See also requirements for Replacement Units in Foster City [Chapter 17.55 Replacement Units](#).

Date Filed: _____

GENERAL INFORMATION:
Project Address:
APN(s):
General Plan Land Use Designation:
Zoning Designation:
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 (use multiple sheets, if necessary). _____

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), provide the information required by completing Exhibit A, Part A (attached):

8. For each existing dwelling unit occupied by renters that will be demolished, provide the following information²¹:
 - 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.
 - d. A copy of the Lease.
 - e. A completed and signed *Tenant Information Packet*.

9. For each existing vacant dwelling unit that will be demolished, and for each dwelling unit that has been demolished in the last five (5) years, the rebuttable presumptions as to the income level of prior occupants required to be made pursuant to Government Code §§ 66300(d)(2)(E)(iii) and 65915(c)(3)(B) apply. If the applicant intends to rebut these presumptions for any unit, provide the following information for the unit(s)²:
 - a. Completed Exhibit A, Parts A and B (attached).

¹ If it is unknown and/or cannot be verified whether each dwelling unit is/was occupied by a lower- or very low-income household within the last five (5) years, the rebuttable presumptions set forth in Government Code §65915(c)(3)(B) will apply. When a housing project will require the demolition of residential dwelling units currently occupied by renters, and the household income levels are unknown and/or cannot be verified, it shall be rebuttably presumed that lower income renter households occupied these units in the same proportion of lower 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. When all rental residential housing units on a site have been vacated or demolished in the last 5 years, and the household income levels of the previous renters are unknown and/or cannot be verified, it shall be rebuttably presumed that low income and very-low income renter households occupied these units in the same proportion of low income 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.

- b. The dates of occupancy by the household for which the information is provided.
 - c. A copy of the Lease for the relevant occupancy period.
 - d. Data supporting the annual income level of the household during the relevant period, supported by the income verification documents listed in the *City's Tenant Information Packet*.
 - e. The current address, telephone number, or other valid contact information for the prior occupants of the household for which the information is provided.
 - f. A notarized document signed by the prior tenant(s) verifying all of the above information. This document shall contain a signed certification substantially similar to the "Tenant's Statement" set forth in the *City's Tenant Information Packet*.
10. Attach a narrative Replacement Unit Plan that addresses the following requirements contained in Chapter 17.55 Replacement Units:
- a. Vacation of Unit. Each tenant shall have the right to remain no fewer than sixty days from the date of city approval of a development project application. The community development director may grant an extension to this right to remain for a period of time not to exceed an additional thirty days.
 - b. No Increase in Rent. A tenant's rent shall not be increased during the period provided in subsection (B)(2) of this section.
 - c. Affordability of Units. The development project shall include dwelling units affordable to very low- or low-income households, at rents or sales prices that meet the city's affordable housing standards. The number of dwellings to be rented or sold at affordable levels shall equal the maximum number of affordable dwellings that existed within the twenty-four-month period immediately prior to the application for the conversion permit, and according to the affordability guidelines described in California Government Code Sections 65583.2(g)(3) and 65915(c)(3)(B) for replacement units.
 - d. When a project is approved, for each unit merged, demolished or eliminated, the developer shall be required to provide an affordable designated unit in the new project to a qualifying household in perpetuity. The developer shall enter a regulatory agreement with the city to provide for the provision of any such units, and the regulatory agreement shall be recorded with the San Mateo County Recorder's Office.
 - e. When a project is approved, for each unit merged, demolished or eliminated, the developer shall be required to provide an affordable designated unit in the new project to a qualifying household in perpetuity. The developer shall enter a regulatory agreement with the city to provide for the provision of any such units, and the regulatory agreement shall be recorded with the San Mateo County Recorder's Office.
 - f. Tenant Relocation Assistance. For very low- or low-income residents displaced by the development project, the developer shall provide relocation assistance, subject to the approval of the director. Such assistance shall at a minimum be consistent with Government Code Sections 66300.5 and 66300.6 and may include, but is not limited to, giving tenants the first right of refusal to purchase or rent affordable replacement units, reimbursement of moving costs, and/or providing rental assistance.

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 Garden Grove to complete my review.

Signature

Date

Attachments:
Exhibit A: Demolished Unit Statistics
Narrative Replacement Unit Plan

Replacement Unit Determination (Office Use Only)		
Number of demolished Protected Units:		
Number of demolished units rented (or presumed <input type="checkbox"/>) for very <input type="checkbox"/> low income:		
Number of demolished units rented (or presumed) for low income:		
Replacement residential rental units required? Yes 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:

