



DEMOLITION OF EXISTING RESIDENTIAL UNIT(S) AFFIDAVIT

Development Service Department • 777 B Street Hayward, CA 94541

<https://www.hayward-ca.gov/your-government/departments/planning-division/senate-bill-9>

Project Address: _____ **APN:** _____

Under penalty of perjury, the following declarations are made:

1. **Demolition of Residential Unit(s):** I certify that if the housing development project involves the demolition of existing residential dwelling units, the project will replace at least as many dwelling units as were demolished.
2. **Demolition of Protected Unit(s):** I certify that the housing development project does not involve demolishing any occupied or vacant protected units, nor is it located on a site where protected units were demolished in the past five years as defined in Hayward Municipal Code Section 10-1.2736 (c)(2) and California Government Code Section 66300.6, unless all of the following apply:
 - a. The project will replace all existing or demolished protected units.
 - i. Any protected units shall be considered in determining whether the housing development project satisfies the requirements of Hayward Municipal Code Chapter 10, Article 19 Density Bonus Ordinance or Chapter 10, Article 17 Affordable Housing Ordinance.
 - ii. If a protected unit that is or was subject to a form of rent or price control and that is or was occupied by persons or families of lower income within the five-year period preceding the development application, the replacement units shall be made available at affordable rent or affordable housing cost to, and occupied by, low-income persons or families. If the replacement units will be rental dwelling units, these units shall be subject to a recorded affordability restriction for at least 55 years.
 - b. The project will replace all existing protected units and protected units demolished on or after January 1, 2020.
 - c. If the project is a housing development project, it will include at least as many residential dwelling units as the greatest number of residential dwelling units that existed on the project site within the last five years. If the project is not a housing development project, the applicant will ensure that any required replacement housing is developed prior to or concurrently with the development project. The required replacement housing may be located on a site other than the project site but shall be located within the same jurisdiction.
 - d. Any existing residents will be allowed to occupy their units until six months before the

start of construction activities. The project proponent shall provide existing occupants with written notice of the planned demolition, the date they must vacate, and their rights under this section. Notice shall be provided at least six months in advance of the date that existing occupants must vacate. Any existing occupants that are required to leave their units shall be allowed to return at their prior rental rate if the demolition does not proceed and the property is returned to the rental market.

- e. The developer agrees to provide both of the following to the occupants of any protected units:
 - i. Relocation benefits to the occupants of those affordable residential rental units, subject to California Government Code Chapter 16 (commencing with Section 7260) of Division 7 of Title 1.
 - ii. A right of first refusal for a comparable unit available in the new housing development, or in any required replacement units associated with a new development that is not a housing development, affordable to the household at an affordable rent, as defined in Section 50053 of the Health and Safety Code, or an affordable housing cost, as defined in Section 50052.5.

3. For the purpose of this affidavit:

- a. "Protected units" means 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 within the past five years.
 - iii. Residential dwelling units that are or were occupied by lower or very low-income households, seniors or persons with disabilities within the past five years.
 - iv. Residential dwelling units that were withdrawn from rent or lease in accordance with California Government Code Chapter 12.75 (commencing with Section 7060) of Division 7 of Title 1 within the past 10 years.

Owner's Signature: _____ **Date:** _____

Owner's Name (Printed): _____