



HOUSING DECLARATIONS P-38

Development Services

Planning Division

1635 Faraday Avenue

442-339-2600

www.carlsbadca.gov



APPLICATION INFORMATION

This submittal form (Part A and Part B) is to be completed as part of your application with the City of Carlsbad. Part A and Part B form must be completed in conjunction with all development project applications that demolish existing residential units. Your project cannot be reviewed until this information is completed. Part C of this form is to be completed only if required based on the responses to Part A.

The Housing Crisis Act requires housing projects that will demolish an existing residential unit to construct at least the same number of units. If the project demolishes a “protected” unit, as specified below, additional provisions apply. See Government Code § 66300 for replacement and relocation provisions. To verify income and/or occupancy of tenants within the five years prior to submittal of the application, please complete a Tenant Income Certification (Form [P-38\(B\)](#)) for each existing unit.

NAME OF PROJECT: _____

BRIEF SUMMARY OF PROJECT: _____

LOCATION: _____

CONTACT: Applicant Property Owner Agent

I/We declare under penalty of perjury that I/we have reviewed this affidavit and the information furnished is true and correct.

Signature: _____

Name: _____ Date: _____

To be stapled/attached with receipt to the application and shall be effective until replaced or revoked in writing.

Part A. Pre-Existing Site Conditions

- | | Yes | No |
|--|--------------------------|--------------------------|
| 1. Is the proposed project located on a site where an existing residential use, which is subject to a recorded covenant and agreement restricting rents to levels affordable to moderate, lower, or very low income households, would be demolished as a result of the proposed development? | <input type="checkbox"/> | <input type="checkbox"/> |
| 2. Is the project located on a site where an existing residential use, which has been occupied by tenants during the 10-year period prior to your application submittal, would be demolished as a result of the proposed development? | <input type="checkbox"/> | <input type="checkbox"/> |
| 3. Is the project located on a site where there is an existing mobile home park, recreational trailer park, or travel trailer park? | <input type="checkbox"/> | <input type="checkbox"/> |

NOTE: If any of the first three questions are marked as "yes," the Applicant, Property Owner, or Agent must complete Part C.

Part B. Demolition Information

- | | Yes | No | N/A |
|---|--------------------------|--------------------------|--------------------------|
| 1. Does the project have a number of proposed units that meets or exceeds the greatest number of units on the site in the last 5 years? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

NOTE: Pursuant to state law, a housing development project cannot be approved if it requires demolition that results in a reduction of the total residential units on the site currently or in the last 5 years. Project revisions may be necessary to show that the project is creating at least as many units as demolished. Non-residential development projects are not subject to this requirement and may be approved, disapproved, or subject to conditions of approval in accordance with local requirements.

Bedroom Count	Number of Existing Units	Number of Proposed Units
1-bedroom (including studios)		
2-bedrooms		
3-bedrooms		
4-bedrooms		

Part C. Protected Units and Replacement Requirements

NOTE: Part C of this form is required if a “yes” response was provided in Part A. All protected units must be replaced with units that contain the same number of bedrooms as the units demolished, with some exceptions for single-family homes. Relocation benefits are required for lower-income tenants of protected units. In addition, a right of first refusal must be offered to lower-income tenants of protected units for a comparable unit affordable to the household at an affordable rent or an affordable housing cost, unless the development replaces a single-family home with a single-family home. Please complete a Tenant Income Certification (Form [P-38\(B\)](#)) for each existing unit.

	Yes	No	N/A
1. Regulatory Covenants: Are there any unit(s) that currently are or were within the past 5 years subject to a recorded covenant, ordinance, or law that restricts rents to levels affordable to persons and families of lower income? This may include inclusionary units under the Inclusionary Housing Program, units restricted under former conditions of approval, or units otherwise deed restricted.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2. Rent/Price Control: Are there any unit(s) that currently are or were within the past 5 years subject to any form of rent or price control through a jurisdiction’s police power?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3. Occupancy: Are there any units being demolished that are currently or were within the last five years occupied by lower income households?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4. Are there any units on the site that were withdrawn from rent or lease in accordance with the Ellis Act (Government Code Section 7060-7060.7) within the past 10 years?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
5. Relocation Benefits: If proposing demolition and replacement of protected unit(s) that were rented to lower income tenants, have relocation benefits been offered to existing renters?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
6. Right of First Refusal: If proposing demolition and replacement of protected units that were rented to lower-income tenants, has the tenant been offered a right of first refusal? Please note that a project that consists of a single-family home located on a site where a protected single-family home is being demolished is exempt from this requirement.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
7. If the existing single-family home contained three bedrooms or less, is/are the replacement unit(s) providing the same number of bedrooms?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
8. If the existing single-family home contained four bedrooms or more, is/are the replacement units providing at least three bedrooms?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>