



THE HOME ACT (SB-9) ELIGIBILITY CHECKLIST

B-74

Community Development Dept.
Planning Division
1635 Faraday Avenue
442-339-4600
www.carlsbadca.gov
Refer to **IB-133** for information

Applicants intending to propose a Single Lot Duplex and/or Urban Lot Split pursuant to SB-9 [Gov. Code §§65852.21 and 66411.7] must complete this checklist to demonstrate eligibility. Refer to Informational Bulletin IB-133 for additional information on the state’s HOME Act allowances and the city’s permit application review processes.

SINGLE LOT DUPLEX

The following pertains to the property being considered for SB-9 application, including any existing structures, whether the primary home or accessory dwelling unit (ADU), that are on the site. Applicants answering “YES” to the following statements may be eligible for SB-9 processing. Applicable Government Code sections provided.	YES	NO
Residential Property. The property is zoned R-1 (One Family Residential), R-A (Residential Agriculture), or R-E (Residential Estate) pursuant to the city’s adopted zoning map and no more than two residential units are proposed on a single-family parcel.	<input type="checkbox"/>	<input type="checkbox"/>
Agricultural Farmland. The property, in whole or part, is not listed as prime farmland or farmland of statewide importance as designated on the maps prepared by the Farmland Mapping and Monitoring Program of the Department of Conservation, or land zoned for agricultural preservation or protection by ballot measure.	<input type="checkbox"/>	<input type="checkbox"/>
Wetlands. The property, in whole or part, does not contain any wetlands as defined in the US Fish & Wildlife Services Service Manual, Part 660 FW 2 (June 21, 1993).	<input type="checkbox"/>	<input type="checkbox"/>
Fire Hazards. The property is not located within a high or very high fire hazard zone as indicated on maps adopted by the Department of Forestry and Fire Protection pursuant to Section 4202 of the Public Resources Code, unless the project complies with the city’s fire hazard mitigation measures and ignition resistant construction design standards.	<input type="checkbox"/>	<input type="checkbox"/>
Hazardous Waste. The property is not listed as a hazardous waste site pursuant to §65962.5 of designated by the Department of Toxic Substances Control pursuant to §25356 of the Health and Safety Code, unless the State Department of Public Health, State Water Resources Control Board, or Department of Toxic Substances Control has cleared the site for residential use.	<input type="checkbox"/>	<input type="checkbox"/>
Earthquake Fault. The property is not within a delineated earthquake fault zone as determined by the State Geologist in any official maps published by the State Geologist, unless the development complies with applicable seismic protection code standards adopted by the CA Building Standards Commission under the CA Building Standards Law (part 2.5 (commencing with Section 18901) of Division 13 of the Health and Safety Code), and CMC §18.04.010 where the city adopted by reference the 2019 California Building Code chapter 16, section 1613 Earthquake Loads which references chapter 18 of the American Society of Civil Engineers ASCE 7-16 manual.	<input type="checkbox"/>	<input type="checkbox"/>
Flood Hazards. The property is not located within a special flood hazard area in any official maps published by the Federal Emergency Management Agency unless the development complies with the city’s FEMA floodplain requirements.	<input type="checkbox"/>	<input type="checkbox"/>
Demolition of Occupied/Affordable Unit. The project does not involve the demolition or alteration of housing for families of moderate, low or very low-income household or subject to any form of rent or price control, or housing that has been occupied by a tenant in the last three years.	<input type="checkbox"/>	<input type="checkbox"/>

Protected Habitat. The property does **not** contain habitat for protected species identified as candidate, sensitive, or species of special status by state or federal agencies, fully protected species, or species protected by the federal Endangered Species Act of 1973 (16 U.S.C. Sec. 1531 et seq.), the California Endangered Species Act (Chapter 1.5 (commencing with Section 2050) of Division 3 of the Fish and Game Code), or the Native Plant Protection Act (Chapter 10 (commencing with Section 1900) of Division 2 of the Fish and Game Code), is **not** identified for conservation pursuant to the city’s “Habitat Management Plan for Natural Communities in the City of Carlsbad” and, is **not** under a conservation easement.

Percentage of Demolition. The proposed housing development does **not** allow the demolition of more than 25 percent of the existing exterior structural walls, unless the housing development meets at least one of the following conditions: (A) If a local ordinance so allows. (B) The site has not been occupied by a tenant in the last three years.

Withdraw of Units from Rental Market. The property has **not** exercised owners’ rights under Government Code §7060 to withdraw accommodations from rent or lease within 15 years.

Historic Structure. The property is **not** located within a historic district or property included on the State Historic Resources Inventory, as defined in Section 5020.1 of the Public Resources Code, or within a site that is designated or listed as a city or county landmark or historic property or district pursuant to a city or county ordinance..

URBAN LOT SPLIT

In addition to the questions above, applicants proposing an Urban Lot Split are instructed to answer the questions below. Applicants answering “YES” may be eligible for SB-9 processing. If applying only for a Single Lot Duplex, please respond “N/A” to the questions below. Applicable Government Code sections provided. **YES** **NO** **N/A**

Prior Split. Is this the first time the subject property will be subdivided under an SB-9 Urban Lot Split application?

Neighbor Split. Are the properties immediately contiguous to the subject property (or adjacent if separated by a street) that is proposed for an SB-9 Urban Lot Split are independently owned (do not share ownership interests)?

Required Lot Sizes. The following questions pertain to the new parcels that will be created as a result of the Urban Lot Split application.

- Are only two new parcels of approximately equal lot size proposed?
- Will none of the parcels be smaller than 40% of the original parcel size?
- Will each parcel be at least 1,200 square feet in size?
- Will each parcel have dedicated access to a public road of at least 20 feet in width?

Owner Occupancy. Is the property owner willing to sign an affidavit stating they will occupy one of the housing units as a primary residence for at least three years after splitting the property or the addition of units (exceptions provided for community land trusts and qualified nonprofit corporations)? (See Gov. Code § 66411.7(g) for additional guidance.)

SIGNATURES

Under penalty of perjury the following declarations are made:

1. I hereby certify, that all statements contained in this application and any accompanying documents are true and correct, with full knowledge that all statements made in this application are subject to investigation and that any false or dishonest answer may be grounds for denial or subsequent revocation of the deemed complete status.
2. I understand this application is not a development application that authorizes an entitlement and is strictly for the purposes of Senate Bill 9, the HOME Act of 2021.
3. I understand and agree that any report, study, map or other information submitted to the city in furtherance of this application will be treated by the city as a public record which may be reviewed by any person and if requested, that a copy will be provided by the city.
4. I understand that if this application cannot be submitted and deemed complete by staff at the submittal appointment.
5. If the applicant is not the Property Owner, both the Property Owner and Applicant must sign this affidavit. By signing this affidavit, the Property Owner authorizes the Applicant listed in this application to act as the Property Owner's agent on all matters in connection with this application.
6. I understand and agree to defend, indemnify, and hold harmless, the City of Carlsbad, its officers, agents, employees, and volunteers (collectively "city"), from any and all legal actions, claims, or proceedings (including administrative or alternative dispute resolution and Public Records Act requests (collectively "actions"), arising out of any city process or approval prompted by this Action, either in whole or in part. Such actions include but are not limited to: actions to attack, set aside, void, or otherwise modify, an entitlement approval, environmental review, or subsequent permit decision; actions for personal or property damage; actions based on an allegation of an unlawful pattern and practice; inverse condemnation actions; and civil rights or an action based on the protected status of the petitioner or claimant under state or federal law (e.g. ADA or Unruh Act). I understand and agree to reimburse the city for any and all costs incurred in defense of such actions. This includes, but it not limited to, the payment of all costs (including litigation costs, administrative record preparation, public records act responses) and attorneys' fees, all judgments or awards, damages, and settlement costs. The City will promptly notify a subdivider of any claim, action, or proceeding arising out of any city process or approval prompted by this Action and that the local agency will cooperate fully in the defense. The indemnity language in this paragraph is intended to be interpreted to the broadest extent permitted by law and shall be in addition to anyother indemnification language agreed to by the applicant.

The city requires original signatures below – the signatures do not need to be notarized.

PROPERTY OWNER

Name: _____ Email: _____
Address: _____ Phone: _____
Signature: _____ Date: _____

APPLICANT Same as above

Name: _____ Email: _____
Address: _____ Phone: _____
Signature: _____ Date: _____

City Staff Only

App. Vesting Date:

Staff Name:

Staff Signature:

Date: