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INFORMATION:
REPLACEMENT UNIT DETERMINATION
HOUSING CRISIS ACT OF 2019, AS AMENDED BY SB 8 (2021)

The Housing Crisis Act of 2019, as amended by SB 8 (California Government Code Section 66300 et seq.), prohibits the approval of any proposed housing development project (“Project”) on a site (“Property”) that will require demolition of existing dwelling units or occupied or vacant “Protected Units” unless the Project replaces those units as specified below. The replacement requirements below apply to the following projects:

- Discretionary Housing Development Projects that receive a final approval from Los Angeles City Planning (LACP) on or after January 1, 2022,
- Ministerial On-Menu Density Bonus, SB 35 and AB 2162 Housing Development Projects that submit an application to LACP on or after January 1, 2022, and
- Ministerial Housing Development Projects that submit a complete set of plans to the Los Angeles Department of Building & Safety (LADBS) for Plan Check and permit on or after January 1, 2022.

Replacement of Existing Dwelling Units

The Project shall provide at least as many residential dwelling units as the greatest number of residential dwelling units that existed on the Property within the past 5 years.

Replacement of Existing or Demolished Protected Units

The Project must also replace all existing or demolished “Protected Units”. Protected Units are those residential dwelling units on the Property that are, or were, within the 5 years prior to the owner’s application for a SB 8 Replacement Unit Determination (SB 8 RUD): **(1)** subject to a recorded covenant, ordinance, or law that restricts rents to levels affordable to persons and families of lower or very low income, **(2)** subject to any form of rent or price control through a public entity’s valid exercise of its police power within the 5 past years, **(3)** rented by lower or very low income households (an affordable Protected Unit), or **(4)** that were withdrawn from rent or lease per the Ellis Act, within the past 10 years.

Whether a unit qualifies as an affordable Protected Unit, is primarily measured by the INCOME level of the current or last known renter household in occupancy, if known.

For Projects with existing occupied units that are not subject to the Uniform Relocation Assistance and Real Property Acquisition Act (URA), a third party contractor will collect the income information of the occupants using the following steps:

- 1) Applicants will provide contact information of the tenants. Using this information, the contractor will prepare and send out informational packages to the property unit addresses. The tenants will have 30 days to respond.
- 2) If tenants do not respond, the contractor will follow up with at least two calls and two letters to answer any questions about the Tenant Income Certification (TIC) form, the Right to Return and eviction/future relocation payment under the Rent Stabilization Ordinance (RSO). If phone contact information is not available, the contractor will mail three letters to the unit address two weeks apart.
- 3) If tenants respond, the contractor will assist them in completing the TIC form and submit the completed form to LAHD for review.

For federally-funded projects subject to the URA, the owner/applicant must submit a Relocation Plan that includes an explanation of how the project will comply with the RSO, Ellis Act and SB 8. Where applicable, the most restrictive requirement will prevail.

- ***In the absence of renter income documentation:*** Affordability will default to the percentage of extremely low, very low or low income renters in the jurisdiction as shown in the latest HUD Comprehensive Housing Affordability Strategy (CHAS) database, which as of September 5, 2023 is at 31% extremely low income, 18% very low income and 20% low income for Transit Oriented Communities (TOC) projects and 49% very low income and 20% low income for Density Bonus projects. The remaining 31% of the units are presumed above-low income. All replacement calculations resulting in fractional units shall be rounded up to the next whole number.

Replacement of Protected Units Subject to the Rent Stabilization Ordinance (RSO), Last Occupied by Persons or Families at Moderate Income or Above

The City has the option to require that the Project provide: **(1)** replacement units affordable to low income households for a period of 55 years (rental units subject to a recorded covenant), OR **(2)** require the units to be replaced in compliance with the RSO.

Relocation, Right to Return, Right to Remain:

Any existing occupants displaced by the Project have the right to remain in their units until six (6) months before the start of construction activities with proper notice subject to Chapter 16 (Relocation Assistance) of Division 7, Title I of the California Government Code (“Chapter 16”). However, existing occupants of Protected Units that are **Lower Income Households** (as defined in California Health and Safety Code Section 50079.5) are **also** entitled to: **(a)** Relocation benefits subject to Chapter 16 (commencing with Section 7260), and **(b)** the right of first refusal (“Right to Return”) to a comparable unit (same bedroom type) at the completed Project. If at the time of lease up or sale (if applicable) of a comparable unit, a returning occupant remains income eligible for an “affordable rent” (as defined in California Health and Safety Code Section 50053) or if for sale, an “affordable housing cost” (as defined in California Health and Safety Code Section 50052.5), owner must also provide the comparable unit at the “affordable rent” or “affordable housing cost”, as applicable. This provision does not apply to: **(1)** a Project that consists of a Single Family Dwelling Unit on a site where a Single Family Dwelling unit is demolished, and **(2)** a Project that consists of 100% lower income units except Manager’s Unit.

- **Warning: Government Code Section 66300(d)(2)(C), (D) do not tie benefits afforded to “existing occupants” with any set look back period. Therefore, “existing occupants” in place after the issuance of this RUD may also be entitled to benefits.**

Single Family Dwelling Units Replacement

For the purposes of an affordable Protected Unit that consists of Single Family Dwelling (SFD) Units, a comparable unit means:

- The affordable replacement unit(s) must contain the same number of bedrooms if the existing SFD contains three (3) or fewer bedrooms.
- The affordable replacement unit(s) must contain at least three (3) bedrooms if the existing SFD contains four (4) or more bedrooms.
- The affordable replacement unit(s) is not required to have the same or similar square footage or same number of total rooms as the existing SFD.

Application for a Replacement Unit Determination

Owners of a Project subject to the above replacement obligations must complete an application for a SB 8 RUD with LAHD. Information provided by the owner and existing tenant(s), as well as information gathered by LAHD will be used to determine whether any Protected Units exist. An SB 8 RUD can take up to 8 to 12 weeks to process upon receipt of all the required documents. Owners will be provided with the completed SB 8 RUD and a copy will be sent to LACP for discretionary projects or LADBS for ministerial (by-right) projects. For additional questions about the SB 8 RUD, please contact LAHD at LAHD-LandUse@Lacity.org.



**APPLICATION FOR A REPLACEMENT UNIT DETERMINATION
HOUSING CRISIS ACT OF 2019, AS AMENDED BY SB 8 (2021)**

To receive a Replacement Unit Determination, please complete the following and attach all required documentation. Please attach an explanation for any information you are unable to provide. Please put project address at the top of all attachment pages submitted.

HIMS # _____ <i>(For internal use only)</i>
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SB 8 Processing Fees

Number of Units	Total Fee	Check Amount:	
Per Unit Fee: _____ per unit		Check Number:	
		Check Date:	

Property Owner

Name: _____		Contact Person: _____	
Address: _____			
Phone: _____	Fax: _____	Cell: _____	Email: _____

Owner Contact

Name: _____		Title: _____	
Address: _____			
Phone: _____	Fax: _____	Cell: _____	Email: _____

Applicant (if different from Owner)

Name: _____		Contact Person: _____	
Role in Property: _____		Address: _____	
Phone: _____	Fax: _____	Cell: _____	Email: _____

Project Type:

Proposed Project Type:

Entitlements with DCP?

Subject to URA?

Description of PROPOSED construction/conversion:

Building Permit Application Number(s):
If no Building Permit Application, please explain:
City Planning Dept. Case #(s) and Tentative Tract #(s):

EXISTING PROPERTY (include ALL existing buildings within the last 5 years in complex - attach additional pages if needed)

APN Number(s):
Lot Number(s):
Does this property have a Certificate of Occupancy issued on or before October 1, 1978?
Are there any residential dwelling units withdrawn from rent or lease within the last 10 years? If yes, provide the date.
Does this property have a recorded lot tie?

Building Address/Unit #s:	Building Type	# of Bedrooms in Each Unit	# of Units in Building

Add Total Units in Complex:

Description of existing units, buildings or APN within the last five years

Expected dates for future project

Expected eviction date(s) for current tenant(s):
Expected date(s) to apply for new building permit(s):
Expected date of first LADBS inspection on the new construction permit:
Expected date to receive Certificate of Occupancy:

Required Documents

Please mail or email to: **Los Angeles Housing Department (LAHD)**

Applicant's Affidavit + Owner's Acknowledgment (with letter signed by owner of record and notarized).

Letter of Application (List units within the last 5 years, including unit #, unit square footage, and number of bedrooms).

Tenant Information Table (Mandatory for Occupied Units)

- If unit is rented, list the occupant's name, unit number, rent amount, occupancy dates, contact information and the bedroom type/count of the unit they occupied.
- If unit is not rented, explain its current use and give date last renter vacated.

Tenant Income Certification Form

Owner Occupancy Proof:

- If the Homeowner Exemption was taken, provide copies of Property Tax documents for each year of the 5 year look back period. The mailing address should match and the owner should not claim the Homeowner Exemption on any other property.
- If the Homeowner Exemption was NOT taken, provide copies of the owner's car registration, homeowner's insurance, or other LAHD approved third-party documents within the 5 year look back period.

Vacancy Proof:

- Provide a copy of the Department of Water and Power (DWP) bill with activity periods covering the date of application.
- For the purposes of affordable unit replacement exemption, if the property was vacant for the entirety of the 5 year look back period, provide each DWP bill within the 5 year period.

Grant Deed (Recorded).

Ellis documents, tenant relocation documents (RSO units), if applicable.

City Planning Determination and/or Vesting/Tentative Tract Letters, if applicable.

Los Angeles Housing Department (LAHD)
Land Use Unit
Re: Replacement Unit Determination (SB 8)
1910 Sunset Blvd., Ste. 300, Los Angeles, CA 90026

****IMPORTANT - SUBORDINATIONS WILL BE REQUIRED, IF APPLICABLE****

OWNER UNDERSTANDS THAT ANY CITY LAND USE COVENANT GENERATED FOLLOWING THE COMPLETION OF THIS DETERMINATION, MUST BE SENIOR TO ANY DEED(S) OF TRUST RECORDED AGAINST THE REAL PROPERTY ON WHICH OWNER'S PROPOSED PROJECT WILL SIT AND THAT OWNER IS RESPONSIBLE FOR OBTAINING SIGNATURES FROM THEIR RESPECTIVE LENDER(S) FOR ANY REQUIRED SUBORDINATION(S). INITIAL HERE: _____

All documentation must be received within 30 days of the date this application was signed by Owner. For additional questions, please contact LAHD at LAHD-LandUse@LACity.org

Date: _____
Signature of Owner _____
<i>Under penalty of perjury, I certify that the information presented in this application is true and accurate to the best of my knowledge. Title 18, Section 1001 of the U.S. Code states that a person is guilty of felony for knowingly and willingly making false or fraudulent statements to any department of the United States Government.</i>

Date: _____

To: Los Angeles Housing Department (LAHD)
Planning and Land Use Unit - Replacement Unit Determination (SB 8)
1200 W. 7th Street, 8th FL
Los Angeles, California 90017

Re: _____
Address (including apartment or unit number/s)

(All APN Numbers)

OWNER'S AFFIDAVIT
(Use when owner is the applicant)

[circle one: a LLC, LP, corporation,
other: _____] ("Owner") hereby certifies that:

- (1) Owner is the legal owner of the above-referenced real property ("Property"); and
- (2) That the person(s) identified below ("Authorized Signatory/ies") has/have been legally authorized to sign on its behalf as evidenced by the separate instrument(s) attached herewith; and
- (3) The documents furnished to LAHD in conjunction herewith, represent the full and complete information required for the Replacement Unit Determination requested for the Property and that the facts, statements and information presented are true and correct to the best of its knowledge and belief.

Owner declares under penalty of perjury under the State of California that the foregoing is true and correct.

***Attach California Notary Public Acknowledgement**

Executed on _____ at _____, California
(Date) (City)

Print Full Name of Authorized Signatory/ies: _____

Signature of Authorized Signatory/ies: _____

(additional signature lines may be added as needed)

Date: _____

To: Los Angeles Housing Department (LAHD)
Planning and Land Use Unit - Replacement Unit Determination (SB 8)
1910 Sunset Boulevard, Ste. 300
Los Angeles, California 90026

Re: _____
Address (including apartment or unit number/s)

(All APN Numbers)

APPLICANT’S AFFIDAVIT AND OWNER’S ACKNOWLEDGMENT
(Use when Applicant and Owner are separate entities)

[circle one: an LLC, LP, corporation,
other: _____ (“Applicant”) hereby certifies that:

(1) Applicant is the potential future developer of the above-referenced real property (“Property”) owned by _____ [circle one: an LLC, LP, corporation,
other: _____ (“Owner”); and

(2) That the person(s) identified below (“Authorized Signatory/ies”) has/have been legally authorized to sign on Owner’s behalf as evidenced by the separate instrument(s) attached herewith; and

(3) The documents furnished to LAHD in conjunction herewith, represent the full and complete information required for the Replacement Unit Determination requested for the Property and that the facts, statements and information presented are true and correct to the best of its knowledge and belief.

Applicant declares under penalty of perjury under the State of California that the foregoing is true and correct.

***Attach California Notary Public Acknowledgement**

Executed on _____ at _____, California
(Date) (City)

Print Full Name of Authorized Signatory/ies: _____

Signature of Authorized Signatory/ies: _____

(additional signature lines may be added as needed)

OWNER'S ACKNOWLEDGMENT:

Owner and/or Applicant must also attach hereto:

A letter from the Owner [on business letterhead as applicable] to the City, attesting to ownership of the Property and confirming that Applicant is the potential future developer of the Property, that Owner is aware of, has no objections to, and authorizes the Applicant to submit an Replacement Unit Determination to LAHD for its Property.

- If the Owner is an LLC, the letter must be signed by all Managers or Managing Members.
- If the Owner is a LP, the letter must be signed by all General Partners.
- If the Owner is a Corporation, the letter must be signed by the CEO and Secretary or Chief Financial Officer.



***TENANT INFORMATION TABLE**

Project Address: _____

Owner Name: _____

Phone Number: _____

Email Address: _____

Name(s) of Occupant(s)	Unit Number	Rent Amount	Occupancy Dates	Contact Number	Contact Email Address	# of Bedrooms in Unit

*For single family dwellings (SFDs), information regarding the occupants of SFDs will also need to be provided.
 **Additional pages can be added, if necessary.

Under the penalty of perjury, I certify that the information presented in this form is true and accurate to the best of my knowledge. Title 18, Section 1001 of the U.S. Code States that a person is guilty of felony for knowingly and willingly making false or fraudulent statements to any department of the United States Government.

Signature of Owner: _____ **Date:** _____