

RECORDING REQUESTED BY And when recorded return to: Director of Public Works City of Piedmont 120 Vista Avenue Piedmont, CA 94611	
GOV. CODE: 27383	ADDRESS: APN:

DECLARATION OF RESTRICTIONS

Owner Occupancy for Property With Approved Second Dwelling Unit

Property address: _____, Piedmont, California, Alameda County

APN # _____

Property description attached as Exhibit A

A. Background. I am/We are the owner(s) ("Owner") of real property described above and in Exhibit A, attached. Owner applied to the City for a second unit permit under Section 17.40 of the Piedmont Municipal Code. The City approved Owner's application # _____ subject to certain conditions of approval and the recording of this Declaration in the Office of the County Recorder of Alameda County.

The Owner wishes to impose on the Property the beneficial restrictions contained in this Declaration for the benefit of the Property and its present and future owners.

B. Owner occupancy requirement. Owner declares that the Property described in Exhibit A shall be held, conveyed, leased, rented, used, occupied and improved in accordance with Chapter 17 of the City Code, subject to the following restrictions:

1. If both the primary unit and the second unit on the Property are used for habitation, Owner must occupy one of the units, in accordance with P.M.C. Section 17.40 and the conditions of approval for Owner's application. If Owner does not reside at the Property, only one of the units may be inhabited.
2. These restrictions shall run with the land and shall be binding on all parties having or acquiring any right, title, or interest in the Property.
3. Any amendment or cancellation of this Declaration must first be approved by the City of Piedmont.

This Declaration was executed on the date first written above.

Property Owner Signature: _____ Date: _____

Print Name: _____

Property Owner Signature: _____ Date: _____

Print Name: _____

(Signatures must be notarized)

RECORDING REQUESTED BY And when recorded return to: Director of Public Works City of Piedmont 120 Vista Avenue Piedmont, CA 94611	
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DECLARATION OF RENT RESTRICTIONS

**FOR A INCOME SECOND UNIT AT , PIEDMONT,
CALIFORNIA**

Property address:

APN #

Unit type: Income

Property description attached as Exhibit A

A. Background. I am/We are the owners ("Owner") of real property described above and in Exhibit A. Owner applied to the City for a second unit permit under Chapter 17.40 of the Piedmont Municipal Code. The City approved Owner's application No. with a parking or unit size exception, or both, under Piedmont Municipal Code Section 17.40.7.c, subject to certain conditions of approval and the signing and recording of this Declaration in the Office of the County Recorder of Alameda County.

Condition of Approval No. states:

[state condition related to rent restriction. Condition should be drafted to include the key requirements, though you can refer to the Code for definitions, so as not to unnecessarily lengthen this document.]

B. Ten-year term. This restriction remains in effect for ten years from the date of recordation and is then automatically terminated.

C. Rent Restriction. Owner agrees to restrict the rental or occupancy of the second unit to households that qualify as , as that term is defined in Piedmont Municipal Code Section 17.40.2(). If rent is charged for the second unit, the monthly rent and all utilities (electricity, gas, water, sewer service, garbage collection) for the second unit shall not exceed the maximum affordable rent level. If all utilities for the second unit are separately metered and billed to the tenant, the maximum rent may not exceed 90% of the maximum affordable rent level.

D. Binding on successors. Owner voluntarily requested approval of the second unit subject to these rent restrictions, and understands that the recording of this Declaration allows Owner to construct

and maintain the second unit in the City. Owner declares that the Property shall be held and conveyed subject to these restrictions. These restrictions shall run with the land and are binding on successors in interest to the Property.

E. Annual Affordable Rent Certification. During the ten years this Declaration is in effect, Owner agrees to submit an annual Affordable Rent Certification to the City by each December 31st, as required by Municipal Code Section 17.40.7.c.iii.a.ii.

F. Enforcement; Costs; Penalties. Owner agrees that if Owner violates the terms of this Declaration, the City may pursue any remedies permitted by law. The City may recover reasonable attorney's fees and costs incurred in bringing legal action to enforce this Declaration. It may also recover from Owner any rents received during any unauthorized occupancy of the second unit. Owner remains subject to Section 17.40, the Second Unit Ordinance and if Owner does not comply with the rent restrictions in this Declaration, Owner may be required to modify the Property so as to remove the second unit.

G. No amendment. Any amendment or cancelation of this Declaration before the ten-year term has expired is subject to the written approval of the City.

*Property Owner Signature

*Property Owner Signature

Print Name

Print Name

Date

Date

*Owner signature(s) must be acknowledged before a notary public.

City of Piedmont
RENT-RESTRICTED SECOND UNIT
ANNUAL AFFORDABLE RENT CERTIFICATION

This Certification is to be completed on an annual basis, effective each December 31 and submitted by the Owner concurrently with the Owner's application for and/or renewal of the City's business license, and upon any change in occupancy or any change in the composition of the second unit household. Please provide all required information below.

Primary Unit Address: _____

Rent-Restricted Second Unit for (please check one):

☐ Low Income Households ☐ Very Low Income Households ☐ Extremely Low Income Households

Second Unit Type (please check one):

☐ Studio ☐ 1-Bedroom ☐ 2-Bedroom ☐ 3-Bedroom

Owner's Name: _____

Owner's Mailing Address: _____

Is second unit currently occupied? Yes _____ No _____

If second unit is rented, date current lease expires _____

Please provide a copy of the written lease agreement, if any.

Monthly Rent for the Second Unit*: \$ _____

Utilities Provided by Owner, the cost of which is Included in the Monthly Rent:

_____ Electricity

_____ Gas

_____ Water and Sewer Service

_____ Garbage Collection

I declare, under penalty of perjury under the laws of the State of California, that the foregoing statements are true of my own knowledge.

Signature of Owner(s)

Date

* As per your Declaration of Rent Restrictions, the second unit must be rented to an extremely low, very low or low income household at an affordable rent level. The California Department of Housing and Community Development defines these income categories and establishes State Income Limits on an annual basis. Please see the Planning Staff for a copy of current State Income Limits and a schedule of Maximum Affordable Rent Levels.

Tenant's Name (if applicable): _____

Second Unit Occupants' Mailing Address: _____

Number of Occupants in the Second Unit _____

Occupants:

	Name	Age
1.	_____	_____
2.	_____	_____
3.	_____	_____
4.	_____	_____
5.	_____	_____

Second Unit Household's Gross Annual Income
Include only income from occupants age 18 and over.

	Occupant 1	Occupant 2	Occupant 3
Wages	_____	_____	_____
Child/Spousal Support (deduct if paid out)	_____	_____	_____
Social Security Benefits	_____	_____	_____
Pensions and Annuities	_____	_____	_____
Unemployment Compensation	_____	_____	_____
Welfare	_____	_____	_____
Disability Benefits	_____	_____	_____
VA Benefits	_____	_____	_____
IRA Distributions	_____	_____	_____
Interest and Dividends	_____	_____	_____
Business Net Income	_____	_____	_____
Capital Gains	_____	_____	_____
Other Income	_____	_____	_____
TOTAL	_____	_____	_____

I declare, under penalty of perjury under the laws of the State of California, that the foregoing statements are true of my own knowledge.

Signature of Second Unit Occupant

Date