



City of Beverly Hills

Community Development - Planning Division
455 N. Rexford Drive Beverly Hills, CA 90210
Tel. (310) 285-1141 Fax. (310) 858-5966

REPLACEMENT UNIT DETERMINATION (RUD) APPLICATION

The Housing Crisis Act of 2019, as amended by SB 8 (California Government Code Section 66300 et seq.), commonly referred to as the HCA, prohibits the approval of any proposed housing development project on a site that will require demolition of existing dwelling units or occupied or vacant “protected units” unless the project replaces those units. Additionally, the HCA requires new housing development projects to provide at least as many residential dwelling units that exist on the property within the past five (5) years prior to the submission of the project application.

SUMMARY OF REQUIREMENTS

Applies to both new rental projects and new for-sale multi-family residential projects:

1. **Replacement of Existing Residential Dwelling Units/ No Net Loss** – The project must match or exceed the greatest number of dwelling units that existed on the project site within the past five years.
2. **Replacement of Existing or Demolished Protected Units** – The project must also replace all existing or demolished protected units. Protected units are defined as those residential dwelling units that are or were, within the five (5) years prior to the owner’s application for a Replacement Unit Determination (RUD), either:
 - Subject to a recorded covenant, ordinance, or law that restricts rents to levels affordable to persons and families of lower or very low income;
 - 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;
 - Occupied by lower or very low-income households (i.e., an affordable Protected Unit), as determined by the City using Median Income figures as published by the California Department of Housing and Community Development (“HCD”); or
 - That were withdrawn from rent or lease per the Ellis Act within the past 10 years.
3. **Income Verification and Replacement Unit Determination Calculation** – The Planning Division will use the information provided by the owners/existing tenants, and as gathered by the City through an outreach process, to determine how many protected units exist and how many replacement units (as described above in sections 1 and 2) are needed in the new projects. Pursuant to State law, all replacement unit calculations resulting in fractional units shall be rounded up to the next whole number. The determination as to how many protected units currently exist and how many replacement units are required to be provided in the new project shall be carried out through either of the following methods:
 - **Use of Household Income Data** – Whether the unit qualifies as a protected unit is determined by the income level of the household; it is not based on the existing rent amount. This information is also used to determine the income category a protected unit falls into for replacement purposes. Household income levels are reviewed through tax returns, pay stubs, etc. Separate from the information provided by the applicant for the

housing development project, the City will notify tenants of eligible rights and protections subject to the Beverly Hills Municipal Code and the State of California. Additionally, the City will provide an opportunity for all tenants/occupants to submit income documentation for the existing property.

Use of HUD Comprehensive Housing Affordability Strategy (CHAS) database – In the absence of household income documentation, the affordability levels of the replacement units will default to the percentage of extremely low, very low- or low-income renters in the jurisdiction shown in the latest CHAS database. The CHAS database percentage is applied to each income level independently to the total number of protected units that are subject to replacement. The CHAS database is updated annually, and the most recent CHAS data at the time the determination letter is issued shall be used.

Please note that if only a portion of the total units provide household income documentation, the CHAS database calculation will determine the income level for the remainder of the total units in the absence of household income documentation.

4. **Affordable Housing Obligations** – The total number of required replacement units shall be deemed restricted affordable housing units based on the following calculation (see below). Additionally, income-restricted affordable housing units deemed as replacement units shall be counted towards the affordable housing unit requirements pursuant to the City’s Inclusionary Housing Ordinance ([BHMC §10-3-4800](#)) and any affordable units required per a State Density Bonus request. Pursuant to State law, all replacement unit calculations resulting in fractional units shall be rounded up to the next whole number.
5. All current tenants of *Protected Units* that are being displaced by the project have the following right:

RIGHT TO REMAIN. All household occupants of protected units proposed to be demolished shall have the right to remain in the unit until six months before the start of construction activities with the proper notice subject to Chapter 16 (Relocation Assistance) of Division 7, Title I of the California Government Code (“Chapter 16”).

Tenants who qualify as **Lower Income Individuals or Households** also have the following rights:

RIGHT TO RETURN. All *lower income household* occupants of protected units shall be entitled to a right of first refusal (“Right to Return”) to a comparable unit (with at least the same number of bedrooms) in the new housing development, at a rent or sales price affordable to their household income level (or lower).

RIGHT TO RELOCATION. All *lower income household* occupants of protected units are entitled to relocation benefits subject to Chapter 16.

This provision does not apply to:

- A project that consists of a single-family dwelling unit on a site where a single-family dwelling unit is demolished, and
- A project that consists of 100% lower income units except Manager’s Unit.

6. **Compliance to the City's Rent Stabilization Ordinance (RSO)** – A majority of multi-family residential properties are subject to the RSO, including but not limited to just-cause eviction protections, relocation fees, and Ellis Act provisions, see “Notice of Tenant and Landlord Protections” for additional information. Please contact the Rent Stabilization Division for more information on the City's Rent Stabilization Ordinance (RSO) and to ensure compliance with all regulations at (310) 285-1031 or bhrent@beverlyhills.org.

Owners of proposed housing developments subject to the above replacement obligations must complete an application for a Replacement Unit Determination (RUD) with the Planning Division prior to submitting for formal land use entitlements associated with the project. Information provided by the owner and existing tenants, as well as information gathered by the City, will be used to determine whether any protected units exist, and the number of proposed units that must be made affordable to households at very low, low or moderate income levels. A determination can take up to six to eight weeks to process upon receipt of all the required documents. Owners will be provided with the completed determination letter. The RUD process must be completed before land use entitlements will be accepted for processing, and the applicant will be required to provide proof of completion of the RUD as part of the land use entitlement application submittal. The RUD shall be valid for a period of six (6) months after the date of issuance, or until the CHAS data is updated¹, whichever is longer.

APPLICATION TABLE OF CONTENTS:

There are BLANK parts to this application. Each section must be completed in its entirety, and all requirements must be met for this application to be accepted for filing.

- Owner/Applicant Contact Information
- Existing Property Information
- Proposed Project Information
- Tenant Information Table
- Land Use Rental Unit Documents for Income Certification Review Checklist
- Owner Affidavit/ Applicant's Affidavit and Owner's Acknowledgment
- Owner Information Requirements
- Owner and Tenant Affidavit on Tenant Rights
- Notice of Tenant and Landlord Protections

Once the required documents are completed, please return the documents to the Planning Division. Documents can be provided to the City through the following methods:

EMAIL	MAIL/IN-PERSON
Christine Delostrinos cdelostrinos@beverlyhills.org	ATTN: Christine Delostrinos, Planning Division 455 N. Rexford Drive Beverly Hills, CA 90210

¹ The CHAS data is released by HUD, generally around September of each year.

FILING FEE:

See current Planning Department Fee Schedule here: www.beverlyhills.org/planningapplications or call Community Development at (310) 285-1141.

STAFF CONTACT INFORMATION:

If you have any questions about this application, please call Christine Delostrinos at (310) 285-1125 or cdelostrinos@beverlyhills.org.

REPLACEMENT UNIT DETERMINATION (RUD) FORM

CONTACT INFORMATION

Who is the primary project contact? ☐ Owner ☐ Applicant ☐ Owner's Agent/Representative

PROPERTY OWNER NAME: _____

EMAIL: _____ PHONE: _____

MAILING ADDRESS: _____

APPLICANT NAME (if different from Property Owner): _____

EMAIL: _____ PHONE: _____

MAILING ADDRESS: _____

OWNER'S AGENT/REPRESENTATIVE NAME (if applicable): _____

EMAIL: _____ PHONE: _____

MAILING ADDRESS: _____

EXISTING PROPERTY

PROJECT SITE ADDRESS: _____

ASSESSOR PARCEL NUMBERS APN(S): _____

PLEASE COMPLETE THE TABLE BELOW FOR ALL UNITS OF ALL BUILDINGS WITHIN THE LAST FIVE YEARS.
PLEASE COPY AND ATTACH AN ADDITIONAL TABLE IF NEEDED.

BUILDING ADDRESS	UNIT NUMBER	NUMBER OF BEDROOMS
TOTAL NUMBER OF UNITS AND BEDROOMS		

DESCRIPTION OF EXISTING UNITS AND BUILDINGS WITHIN THE LAST FIVE YEARS ON THE PROJECT SITE. PLEASE MAKE SURE TO NOTE ANY CHANGES TO NUMBER OF UNITS ON THE SITE, INCLUDING DEMOLITIONS, ADDITIONS, REHABILITATION OR REMODELING ACTIVITIES, AND TENANCIES/VACANCIES:

PROPOSED PROJECT

DESCRIPTION OF PROPOSED CONSTRUCTION/CONVERSION:

TENANT INFORMATION TABLE

The information in this table shall be provided to the City by the property owner of the proposed project. A separate table shall be filled out for each associated property. Please copy and attach an additional table if needed. Additionally, please provide copies of signed leases for each unit, which will be used to verify the information provided on this form. Please note if two or more individuals are listed on a lease and/or rental agreement, please list each tenant on a separate line.

ADDRESS: _____

APN(S): _____

OCCUPANT NAME	UNIT NUMBER	UNIT BEDROOM COUNT	OCCUPANCY DATES	RENT AMOUNT	OCCUPANT PHONE NUMBER	OCCUPANT EMAIL

If a unit is not rented and/or currently vacant, please use the table below to explain its current use and last date of tenancy.

UNIT NUMBER	UNIT BEDROOM COUNT	LAST DATE OF TENANCY	CURRENT USE

Under the penalty of perjury, I verify 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: _____

RENTAL UNIT DOCUMENTS FOR INCOME CERTIFICATION REVIEW CHECKLIST

Checklist of requirements for EACH adult household member (over 18 years of age):

1. If employed, provide the following documents:

- ☐ Copies of three (3) months consecutive recent pay stubs for every employer signed
- ☐ Copies of two (2) most recent income tax returns **AND**
- ☐ W-2 forms Verification of Employment completed by employer with company stamp or business card attached

2. If self-employed, provide the following documents:

- ☐ Signed copies of two (2) most recent years' income tax returns with Schedule C (1099 if Applicable)
- ☐ Current six (6) month profit and loss statement

3. If an adult household member is not employed, provide:

- ☐ Certification of zero income
- ☐ IRS Verification of Non-filing Letter

4. If an adult household member is receiving other benefits, provide:

- ☐ Proof of any income (e.g., Social Security, Award Letter, Pension, unemployment checks, child support, alimony Public Assistance, CAPI, TANF/AFDC, Disability and/or Worker's Compensation Benefit Information, General Assistance or other sources of income)

5. If an adult household member is a full-time student, provide:

- ☐ Verification of full-time student status

6. If an adult household member has assets² (Checking, Savings, 401k, 403b, IRA, Stocks, Bonds, CD's, Investments Accounts etc.), provide:

- ☐ Three (3) months of most recent bank statements for all Checking accounts (all pages)
- ☐ Current (1) month of most recent bank statements for all Savings, 401k, Investment Accounts, Retirement, Stocks, CD's, etc. accounts (all pages)

7. If an adult household member owns real estate, provide:

- ☐ Information on real estate ownership (Fair Market Value and/or Closing Statement)

² Assets are counted towards the tenant income calculation in compliance with the City's Affordable Housing Guidelines.

OWNER AFFIDAVIT

DATE: _____

TO: CITY OF BEVERLY HILLS COMMUNITY DEVELOPMENT – PLANNING DIVISION
REPLACEMENT UNIT DETERMINATION (SB 8)
455 N. REXFORD DRIVE
BEVERLY HILLS, CA 90210

RE: _____

ADDRESS (including apartment or unit number(s))

(All Assessor Parcel Numbers)

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

_____, ("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 behalf of the owner(s) or ownership entity as evidenced by the separate instrument(s) attached herewith; and
- (3) The documents furnished to the City of Beverly Hills Community Development 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: _____

APPLICANT AFFIDAVIT AND OWNER ACKNOWLEDGMENT

DATE: _____

TO: CITY OF BEVERLY HILLS COMMUNITY DEVELOPMENT – PLANNING DIVISION
REPLACEMENT UNIT DETERMINATION (SB 8)
455 N. REXFORD DRIVE
BEVERLY HILLS, CA 90210

RE: _____

ADDRESS (including apartment or unit number(s))

(All Assessor Parcel Numbers)

APPLICANT'S AFFIDAVIT AND OWNER'S ACKNOWLEDGMENT
(use when Applicant and Owner are separate entities)

_____, ("Applicant") hereby certifies that:

- (1) Applicant is the potential future developer of the above-referenced real property ("Property") owned by _____ ("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 the City of Beverly Hills Community Development 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: _____

OWNERSHIP INFORMATION REQUIREMENTS

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 a Replacement Unit Determination to the City of Beverly Hills Community Development for its property.

The following documentation must be submitted at the time of filing:

- Grant Deed – This is required if the Los Angeles County Assessor’s Records do not match the current ownership as listed on the application. The deed information should match the property owner as listed above.
- Letter of Authorization – This is required if the property owner does not sign the application. The property owner may instead provide a signed and dated letter in lieu of their original signature on this form, which must authorize the signatory of this application. Please see attached Letter of Authorization Example.
- Ownership Entity Documentation – This is required if the property is owned by an entity rather than an individual. Please provide the applicable required documentation for the type of ownership entity, as shown in the table below.

OWNERSHIP DOCUMENTATION REQUIREMENTS		
Type of Property Owner	Required Ownership Documentation	Documents that May be Required (If Applicable)
Individual	N/A	Grant Deed, Letter of Authorization
Limited Liability Company (LLC)	Operating Agreement or Articles of Incorporation	Grant Deed, Letter of Authorization
Corporation	Articles of Incorporation, Bylaws, and/or Meeting Minutes	Grant Deed, Letter of Authorization
Limited Partnership (LP)	Partnership Agreement	Grant Deed, Letter of Authorization
Trust	Trust Instrument	Grant Deed, Letter of Authorization

MAILING MATERIALS FOR NOTIFICATION REQUIREMENTS

- Mailed Notice: A notice will be mailed to all tenants of the existing property.
 - Applicant must provide:
 - An address list for all tenants of the existing property. The address list should be provided as gummed labels, and in Excel format, provided digitally to the City (via email, or USB), and formatted to be mail merged.
- Mailing Affidavit
 - Applicant must provide a signed [Mailed Notice Affidavit](https://www.beverlyhills.org/publicnotice) for each mailing list provided to the City. Please see the attached affidavit form, which may be accessed on www.beverlyhills.org/publicnotice.

OWNER AND TENANT AFFIDAVIT RE: TENANT RIGHTS

DATE: _____

TO: CITY OF BEVERLY HILLS COMMUNITY DEVELOPMENT – PLANNING DIVISION
REPLACEMENT UNIT DETERMINATION (SB 8)
455 N. REXFORD DRIVE
BEVERLY HILLS, CA 90210

RE: _____
ADDRESS (including apartment or unit number(s))

(All Assessor Parcel Numbers)

OWNER AND TENANT AFFIDAVIT RE: TENANT RIGHTS

I/We _____ am a/are an existing tenant(s) (“Tenant”) of Address/Unit # _____, a _____ bedroom unit, at the above-referenced real property (“Property”) which is owned by _____ (“Owner”). I/We will be displaced from the Property due to its pending demolition for the construction of a new housing development project (the “Project”);

II/We acknowledge that the Owner has provided me/us with notice that:

1. All occupants of Protected Units 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”); and
2. All **Lower Income Household** occupants of Protected Units are also entitled to: (a) Relocation benefits also subject to Chapter 16, and (b) the right of first refusal (“Right to Return”) to a comparable unit (same bedroom type) at the new Project following completion and that depending income level at the time of lease up or sale, if applicable, may be entitled to return at an affordable rent per California Health & Safety Code Section 50053 or an affordable housing cost pursuant to California Health & Safety Code 50052.5

IF A LOWER INCOME HOUSEHOLD CHECK ONE:

_____ I/We have opted to exercise my/our Right to Return to the new Project and have informed the Owner. Owner has agreed to contact me/us at _____ at least 3 months before lease up or sale if applicable, to confirm the availability of the comparable unit at the Project. I/We understand that my/our current income documentation must be provided to Owner at this time and certified by the City so that the rent level or sales price if, applicable for the comparable unit may be determined. I/We understand that only income qualified households are entitled to return at an affordable rent or an affordable housing cost.

_____ I/We hereby decline to exercise my/our Right to Return to the new Project.

Tenant and Owner hereby declare under penalty of perjury under the State of California that the foregoing is true and correct.

Additional signature blocks may be added if needed.

FOR TENANT:

FOR OWNER:

Print Name

Print Name

Signature

Signature

****This is NOT an Eviction Notice****

****This is part of the owner's application for the project, which has not yet been approved and is NOT
FINAL.****

NOTICE OF TENANT AND LANDLORD PROTECTIONS

A majority of multi-family residential rental properties are subject to the Rent Stabilization Ordinance (RSO). Therefore Property Owners and Tenants are eligible to certain rights and protections as outlined below.

NO FAULT EVICTIONS WHERE TENANTS MAY BE EVICTED DUE TO CONSTRUCTION OF A NEW BUILDING:

CATEGORY 1: DEMOLITION OR CONDOMINIUM CONVERSIONS (BHMC §4-6-6 (J)) – A landlord may recover possession of an occupied apartment unit due to demolition or condominium conversion.

- The landlord is required to issue a 90-day notice to all tenants, subject to the review and approval by the Rent Stabilization Division. The 90-day notice may not be served *until all necessary application fees have been paid and all permits and approvals necessary to commence demolition, removal, or conversion have been issued to the extent possible.*
- The landlord must pay \$100.00 for each building for which notices of tenancy termination are to be filed with the City, with an additional \$10.00 added for each unit in a building in excess of ten (10). Any apartment unit vacated under this provision *remains subject to the Rent Stabilization Ordinance.* Finally, no judgement may be entered restoring possession to the landlord unless the landlord declares under penalty of perjury that the proper notice was provided as well as the expiration of the noticing period, that the relocation fee has been paid to the tenant or deposited into escrow, and that the demolition or conversion process will commence within sixty (60) days after the filing of the complaint.

CATEGORY 2: ELLIS ACT (BHMC §4-6-6 (J) and (L)) – A landlord may withdraw existing housing unit(s) from the rental market. This provision is intended to be used where the new units will not be re-rented for a significant period of time following withdrawal of the units.

- **Withdrawal Process** – Landlords must file a Notice of Intent to Withdraw Units from Rental Housing Use with the Rent Stabilization Division. Please see “Procedures for Withdrawing Rental Units from the Rental Housing Market” handout for additional information at: <https://www.beverlyhills.org/cbhfiles/storage/files/1175646728451075019/EllisActInformationandApplication.pdf>
- **Relocation Assistance Fees** – Landlords shall pay relocation fees to a tenant upon vacancy of the unit due to demolition or condominium conversions or withdrawal of residential rental structure from the rental market (Ellis Act). Households that include a senior, disabled person, or a minor child shall be entitled to an additional relocation fee in the amount of two thousand dollars (\$2,000). The most up-to-date relocation fees can be found on the City website at: <https://www.beverlyhills.org/departments/communitydevelopment/evictionprotectionsandrelocationfees/>
- **Re-rental**
 - If any units are re-rented within three (3) years of the effective date of withdrawal, the owner of a property may be liable to the tenant and the City in a civil action.
 - If any units are re-rented within five (5) years of the effective date of withdrawal, the landlord must provide written notice of such action to the City's Rent Stabilization Division within thirty (30) days of re-renting the units and offer the same rent level at the date of withdrawal in addition to only those allowable rent increases since that period.

- If any units are re-rented within ten (10) years, then landlords must provide tenants who filed City Form E4 the opportunity to, with at least 30 day notice, accept an offer to return to the unit provided by personal service or certified or registered mail, with copies of the notices and mail receipts provided to the Rent Stabilization Division within one week of mailing. Failure to provide tenants expressing interest in returning to the units with this notification renders the landlord liable in a civil action to the tenant.
- **Forms Required** - This code provision begins with a requirement to serve tenants with a Notice to Tenant of Pending Withdrawal (City Form E3) and a blank Notice of Interest in Renewing Tenancy (City Form E4) to each tenant at least 30 days prior to any formal filing with the City. City forms can be found on the Rent Stabilization Division website at: <https://www.beverlyhills.org/departments/communitydevelopment/rentstabilizationdivision/ellisactinformation/>.

Please contact the Rent Stabilization Division for more information on the City's Rent Stabilization Ordinance (RSO) and to ensure compliance with all regulations at (310) 285-1031 or bhrent@beverlyhills.org.

MAILING LIST AFFIDAVIT

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES) ss
CITY OF BEVERLY HILLS)

I, _____, hereby certify that, to the best of my knowledge and under penalty of perjury, the attached Ownership List correctly shows the names and addresses of all persons to whom all property is assessed, as they appear on the most current Los Angeles Tax Assessor's roll, within the area described on the attached application and for a distance of _____ feet plus block-face (if properties are located in the Central Area of the City) from the exterior boundaries of the property described on the attached application.

I further certify that, if required pursuant to the attached application, the attached Occupants List reflects all residential addresses within _____ feet plus block-face (if properties are located in the Central Area of the City) from the exterior boundaries of the property described on the attached application that are not owner occupied.

I certify under penalty of perjury that the foregoing is true and correct.

Signed

Date