

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 RENT RESTRICTIONS

FOR A _____ INCOME ACCESSORY DWELLING 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 an accessory dwelling unit permit under Chapter 17.38 of the Piedmont Municipal Code. The City approved Owner's application No. _____ with a unit size exception, under Piedmont Municipal Code section 17.38.070.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 accessory dwelling unit to households that qualify as _____ , as that term is defined in Piedmont Municipal Code section 17.38.020. If rent is charged for the accessory dwelling unit, the monthly rent and all utilities (electricity, gas, water, sewer service, garbage collection) for the accessory dwelling unit shall not exceed the maximum affordable rent level. If all utilities for the accessory dwelling 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 accessory dwelling unit subject to these rent restrictions, and understands that the recording of this Declaration allows Owner to construct and maintain the accessory dwelling 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 17.38.070.C.2.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 accessory dwelling unit. Owner remains subject to section 17.38, the Accessory Dwelling 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 accessory dwelling 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.

Exhibit "A"

Description

All that certain real property situated in the City of Piedmont, County of Alameda, State of California described as follows:

Commonly known as:

Alameda County APN Number: