



# City of Gilroy

COMMUNITY DEVELOPMENT DEPARTMENT/PLANNING DIVISION  
7351 Rosanna Street, Gilroy CA 95020  
(408) 846-0440, main • (408) 846-0429, fax  
[www.cityofgilroy.org/planning](http://www.cityofgilroy.org/planning)

## Replacement Unit Determination Form

Please fill out this form and submit the following with your application for development projects that will demolish any residential units. This completed form is an item to determine application completeness.

The Housing Crisis Act of 2019 (Gov. Code, § 66300 et seq.) (“HCA”) requires new housing development projects to provide at least as many residential dwelling units as existed on the property within the five (5) year period prior to the submission of the project application.

As used in the HCA, the term “housing development project” is defined as:

- a residential project of one or more units;
- a mixed-use project with two-thirds of the floor area designated for residential use;
- or a transitional or supportive housing project.

Additionally, the HCA requires any proposed development project (residential and nonresidential) to replace all existing and demolished “*Protected Units*” on or after January 1, 2020 (as specified on page 2). Nonresidential projects are required to develop the replacement units prior to or concurrently with the development project. Replacement housing may be located on a site other than the project site, though it must be located within the city limits and the project applicant may contract with another entity to develop the replacement housing.

Therefore, concurrent with the application of any development project that involves the demolition of any residential unit(s), the property owner shall answer the questions below for HCA compliance. Please note that this form is for information-gathering and educational purposes only and does not constitute a guarantee by the City that your project satisfies the relevant requirements of the HCA.

### **PROJECT INFORMATION**

Project Address: \_\_\_\_\_ APN(s): \_\_\_\_\_

Property Owner Name: \_\_\_\_\_

Property Owner Email: \_\_\_\_\_ Property Owner Phone: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

Number of units proposed for demolition: \_\_\_\_\_

Number of units proposed for construction: \_\_\_\_\_

Greatest number of units on site in last 5 years: \_\_\_\_\_

## **PART A - REQUIREMENTS FOR HOUSING DEVELOPMENT PROJECTS**

A *housing development project* cannot be approved if it requires demolition of one or more residential dwelling units on the site currently or in the past 5 years unless the project will create at least as many residential dwelling units as will be demolished. (Gov. Code, § 66300.6, subd. (a).)

1. Will the *housing development project* include at least as many residential dwelling units as the greatest number of residential dwelling units that existed within the last five (5) years? \_\_\_Yes \_\_\_No

## **PART B - REQUIREMENTS FOR ALL DEVELOPMENT PROJECTS**

The HCA prohibits a city from approving any development project that will require the demolition of occupied or vacant "**Protected Units**" (see below for qualifications) or that is located on a site where protected units were demolished in the previous five years, unless specified conditions are met. (Gov. Code, § 66300.6, subd. (b).)

1. Does the project propose to demolish any occupied or vacant *Protected Units*? \_\_\_Yes \_\_\_No

**If you answer yes to any of the following questions, the unit(s) are considered "**Protected Units**":**

- a. Currently, or within the last five (5) years, are/were any of the units subject to a recorded covenant, ordinance, or law restricting rents to levels affordable to low- or very low-income households? \_\_\_Yes \_\_\_No
  - b. Currently, or within the last five (5) years, are/were any of the units subject to any form of local rent or price control? \_\_\_Yes \_\_\_No
  - c. Currently, or within the last five (5) years, are/were any of the units rented by lower- or very low-income households? (See **ATTACHMENT A** for current income limits) \_\_\_Yes \_\_\_No
  - d. Currently, or within the last ten (10) years, are/were any of the units withdrawn from rent or lease per the Ellis Act? (Gov. Code, § 7060 et seq.) \_\_\_Yes \_\_\_No
2. Were there any Protected Units demolished in the previous five years? \_\_\_Yes \_\_\_No  
**(If No to Questions 1 and 2, stop here and sign the Property Owner's Affidavit below)**
  3. Will the project replace all existing *Protected Units* and/or those demolished on or after January 1, 2020? \_\_\_Yes \_\_\_No
    - a. If No, the HCA provides a limited exception to this requirement for non-housing development projects. If you answer yes to all the following questions, the HCA's provisions related to replacement of *Protected Units* do not apply (Gov. Code, § 66300.6, subd. (b)(1)(C).)
      - i. Does the project involve an industrial use? \_\_\_Yes \_\_\_No
      - ii. Does the project site exist entirely within a zone that does not allow residential uses? \_\_\_Yes \_\_\_No
      - iii. Was the zoning applicable to the project site that does not allow residential uses adopted prior to January 1, 2022? \_\_\_Yes \_\_\_No
      - iv. Are/were the *Protected Units* located on the project site nonconforming uses? \_\_\_Yes \_\_\_No

4. Did the applicant satisfy the HCA’s provisions concerning existing tenants in *Protected Units* and provide a copy of the Tenant Relocation Plan to the City? \_\_\_Yes \_\_\_No

All current tenants residing in *Protected Units* who are being displaced by the project have the following rights:

- a. **Right to Remain.** All household occupants of *Protected Units* proposed to be demolished shall have the right to remain their units until (6) six months before the start of construction activities with proper notice.
- b. **Right to Return.** All lower income household occupants of *Protected Units* are entitled to a right of first refusal for a comparable unit available in the new housing development, or in any required replacement units associated with a new development that is not a housing development, affordable to the household at an affordable rent or an affordable housing cost.
- c. **Right to Relocation.** All lower income household occupants of *Protected Units* are entitled to specified relocation benefits.

**REQUIRED SUBMITTAL INFORMATION**

The following must be submitted with proposed development, demolition or building permit applications that will demolish any residential unit:

**TENANT INFORMATION TABLE**

The information in this table must be provided for each unit proposed for demolition occupied with a tenant, currently or within the last five (5) years, including the unit addresses, names of all household members on the lease or rental agreement, number of bedrooms in unit, associated monthly rents, and annual income of the current or most recent household. If any of the units proposed for demolition meet the “*Protected Units*” criteria, please schedule a meeting with a planner to discuss replacement requirements. A demolition permit cannot be issued until an agreement is executed with the City, guaranteeing the replacement of the *Protected Units* and tenant relocation benefits in compliance with Gov. Code, § 66300.6.

Tenant Name	Unit Address	Number of Bedrooms	Monthly Rent	Annual Household Income	Occupant Phone Number	Occupant Email

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

Unit Address	Last Date of Tenancy	Current Use

**NOTICE OF INTENT (NOI)**

The landlord must inform tenants in *Protected Units* about any pending redevelopment and tenants’ relocation assistance rights under the applicable laws. Within thirty (30) days of filing an application for discretionary or ministerial approval with the City, that will result in a displacement of a Protected Unit, the landlord must complete a Notice of Intent form and provide tenants with a copy of the form. The NOI shall be sent by regular, certified mail and posted on the tenants’ doors. The landlord must provide verification to the City that notices were sent and a copy of the Tenant Relocation Plan in order for their application to be deemed complete.

**PROPERTY OWNER'S AFFIDAVIT (required):**

I, \_\_\_\_\_, ("Owner") hereby certify that:

(1) I am the legal owner of the above-referenced real property ("Property"); and

The documents furnished to the City of Gilroy Planning Department 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 my knowledge and belief under penalty of perjury under the State of California.

\_\_\_\_\_  
Property Owner Signature

\_\_\_\_\_  
Date

# ATTACHMENT A

## 2025 Santa Clara County Income Limits

If any units proposed for demolition are, or within the last 5 years, occupied by a very low- or low-income household, units are considered “protected” and require replacement. Please use the following table to determine income category of tenants occupying units. The responsibility of acquiring required information is that of property owner. The Housing and Community Development (HCD) data can be accessed at the following link: <https://www.hcd.ca.gov/sites/default/files/docs/grants-and-funding/income-limits-2025.pdf>

Household Size	Income Categories Protected Unit		Income Category Non-Protected Units
	Very Low	Low	Moderate or Above
1	Up to \$69,250	\$69,251 - \$111,700	\$111,701 or Above
2	Up to \$80,400	\$80,401 - \$127,650	\$127,651 or Above
3	Up to \$90,450	\$90,451 - \$143,600	\$143,601 or Above
4	Up to \$100,450	\$100,451 - \$159,550	\$159,551 or Above
5	Up to \$108,500	\$108,501 - \$172,350	\$172,351 or Above
6	Up to \$116,550	\$116,551 - \$185,100	\$185,101 or Above
7	Up to \$124,600	\$124,601 - \$197,850	\$197,851 or Above
8	Up to \$132,600	\$132,601 - \$210,650	\$210,651 or Above

If incomes are unknown, assume a proportion of units are “protected” in accordance with the proportion of lower-income renter households in the City. For example, for a 5-unit apartment building, assume 2.8 units were occupied by a very low-income household and 1 unit was occupied by a low-income household based on the proportions below. The HUD database can be accessed at the following link: <https://www.huduser.gov/portal/datasets/cp.html>

Proportion of Renter Households by Income Level - Gilroy Comprehensive Housing Affordability Strategy (CHAS) 2016-2020		
Income Level	Renter Households	Percentage of Total Renter Households
Very Low Income	3,195	56%
Low Income	1,100	19%
Moderate Income	435	8%
Above Moderate Income	970	17%
<b>Total</b>	<b>5,700</b>	<b>100%</b>