

# SB 9 PRIOR TENANCY ATTESTATION FORM

**This SB 9 Prior Tenancy Attestation Form is required only when the proposed project includes demolition or alteration of an existing dwelling unit.** In that case, it must accompany an application for a project under [Senate Bill 9](#) (SB 9) and City [Ordinance 30706](#). By completing and signing this form, you are providing a written affidavit by which you are swearing the information contained herein is true. Signing an affidavit that contains false information can subject you to criminal penalties.

**Understand any CC&Rs before proceeding** - If your lot is subject to a private agreement known as Conditions, Covenants, and Restrictions (CC&Rs), you are advised to check your property title and consult with your homeowners association, as applicable, to identify such CC&Rs before applying for an SB 9 project. CC&Rs may restrict the number of units that can be built on a property. Note that the City cannot enforce a private agreement between property owners.

For more information about SB 9 projects, please visit [www.bit.ly/SJ-SB9Projects](http://www.bit.ly/SJ-SB9Projects).

**Download and save this computer-fillable form to your computer and then complete it.**  
**Signatures may be a Digital ID signature. Follow instructions for [Digital Forms & Signatures](#).**

## AFFIDAVIT REGARDING PRIOR TENANCY OF UNITS

1. I am the current owner of record of the certain real property located at  
[STREET ADDRESS] San José, California,  
which is also identified as County of Santa Clara Assessor's Parcel Number .
2. On [DATE] I, or my authorized agent, submitted an application to the City of  
San José for: CHECK ALL THAT APPLY
  - A parcel map subdividing the Property pursuant to the procedures outlined in California Government Code Section 66411.7 and Title 19 of the San José Municipal Code.
  - A two-unit development on the Property pursuant to the procedures outlined in California Government Code Section 65852.21 and Part 4.5 of Chapter 20.30 of the San José Municipal Code.
3. I attest that the dwelling unit(s) on the Property has/have not been occupied by any tenant, with or without a lease agreement, at any time within the prior three (3) years from the date of the submission of the application.
4. Additionally, I attest the Property is not a parcel on which I, or my predecessor(s), have exercised an owner's rights, under Government Code Sections 7060, *et seq.*, to withdraw accommodations from rent or lease within the last 15 years from the date of submittal of the application.
5. I understand and agree that the Department of Planning, Building and Code Enforcement of the City of San José may take such action as it deems necessary to verify both the accuracy and veracity of this declaration. I further understand and agree that that any person or entity contacted by the Department

**Continued >**

of Planning, Building and Code Enforcement, or its contractors, agents, grantees, or designees, in the course of such verification, may release such pertinent information to the Department of Planning, Building and Code Enforcement, or its contractors, agents, grantees, or designees.

I declare under penalty of perjury of the laws of the State of California that the foregoing is true and correct and that this affidavit was executed on [DATE] at [CITY], California.

• SIGNATURE of Property Owner

PRINT NAME

This is a computer-fillable form and the City accepts Digital ID Signatures. Follow instructions for [Digital Forms & Signatures](#).

You may also obtain digital notarization service for this form.

**NOTARIZATION**  
**A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the veracity, accuracy, or validity of that document.**

State of California, County of \_\_\_\_\_

On the \_\_\_\_ day of \_\_\_\_\_, before me, \_\_\_\_\_, a Notary Public, personally appeared \_\_\_\_\_, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

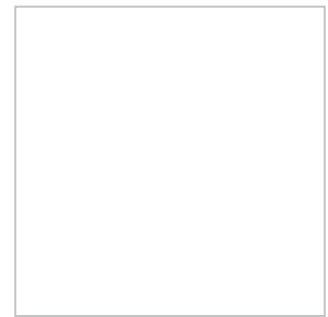
I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature: \_\_\_\_\_

Name: \_\_\_\_\_

(Printed)



(Seal)