



# Housing Crisis Act Compliance for Demolitions

Community Development Department  
Planning Division

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## General Information

The Housing Crisis Act of 2019 [SB 330 (Chapter 654, Statutes of 2019) and SB 8 (Chapter 161, Statutes of 2021)] set a temporary 10-year prohibition on reducing residential density when associated with the approval of a "housing development project", beginning January 1, 2020 and concluding on January 1, 2030. A "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. In addition, existing units that are defined as "protected"<sup>1</sup> under the law (see below for qualifications) must be replaced with units that have an equivalent number of bedrooms, rents affordable at the same income category as the displaced tenant(s) (or if incomes are unknown, according to the proportion of lower income renter households in the jurisdiction), and displaced tenants must be provided relocation benefits. Assembly Bill No. 1218 (Chapter 754, Statutes of 2023) also prohibits the loss of protected units associated with the approval of a non-housing development project that requires the demolition of occupied or vacant protected units. Therefore, concurrent with the application of any development project that involves the demolition of any residential unit(s), or the application of a non-housing development project, the property owner shall answer the questions below for Housing Crisis Act compliance.

**Site Address:** \_\_\_\_\_ **Legal Description:** \_\_\_\_\_

1) **Units proposed for demolition:** \_\_\_\_ **Units proposed for construction:** \_\_\_\_

2) **Are you proposing to redevelop the site with a "housing development project"?** \_\_\_\_ Yes \_\_\_\_ No

For housing development projects, reductions in density are prohibited whether or not units are deemed "protected" and a demolition permit cannot be issued.

3) **If you answer yes to any of the following questions, the unit(s) are considered "protected" and must be replaced:**

a. Currently, or within the last 5 years, are 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 5 years, are any of the units occupied by low- or very-low income households (see attachment for current income limits)? \_\_\_\_ Yes \_\_\_\_ No

If any of the units proposed for demolition meet the "protected" criteria, please provide a summary of units (i.e., apartment number, size, number of bedrooms, household size, and income level of tenant) and 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.

## Property Owner Certification (required):

I \_\_\_\_\_, hereby certify that I am the property owner of the above described property. I declare under the penalty of perjury, the facts, statements and information presented in this document are true and correct to the best of my knowledge and belief.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Phone Number

<sup>1</sup> The City of Newport Beach does not have a local rent control ordinance. As such, the categories of "protected units" are limited to those stated above.

# ATTACHMENT A

## 2023 Orange 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. 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-2023.pdf>

	Income Categories Protected Unit		Income Category Non-Protected Units
Household Size	Very Low	Low	Moderate or Above
1	Up to \$50,250	\$50,251 - \$80,400	\$80,401 or Above
2	Up to \$57,400	\$57,401- \$91,850	\$91,851 or Above
3	Up to \$64,600	\$64,601 - \$103,350	\$103,351 or Above
4	Up to \$71,750	\$71,751- \$114,800	\$114,801 or Above
5	Up to \$77,500	\$77,501- \$124,000	\$124,001 or Above
6	Up to \$83,250	\$83,251 - \$133,200	\$133,201 or Above

If incomes are unknown, assume a proportion of units are “protected” in accordance to the proportion of lower-income renter households in the City. For example, for a 5-unit apartment building, assume 1 unit was occupied by a very-low income household and 1 unit was occupied by low-income households 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 - Newport Beach Comprehensive Housing Affordability Strategy (CHAS) 2016-2020		
Income Level	Renter Households	Percentage of Total Renter Households
Very Low Income	4,575	26%
Low Income	2,575	14.6%
Moderate Income	1,645	9.3%
Above Moderate Income	8,845	50.1%
Total	17,645	100%