

Recording Requested By:
County of Humboldt
Planning and Building Department

Return To:
County of Humboldt
Planning and Building Department
3015 H Street
Eureka CA 95501-4484

DECLARATION OF DEED RESTRICTION FOR JUNIOR ACCESSORY DWELLING UNIT (JADU)

Property Owner(s): _____ [list all owners exactly as named in deed] (collectively, "Owner").

Property Address: _____

Assessor's Parcel Number: _____

RECITALS

WHEREAS, OWNER is the present owner of certain real property located in the County of Humboldt, State of California, located at _____ [address], Assessor's Parcel Number _____, and which is more particularly described in Exhibit A, attached hereto and incorporated herein; and

WHEREAS, OWNER has applied to COUNTY for permits and other grants of approval necessary to establish and construct a Junior Accessory Dwelling Unit (JADU) on the Assessor Parcel Number above pursuant to the Humboldt County Code and as provided in Government Code Sections 65852.2 and 65852.22; and

WHEREAS, COUNTY has approved the application for permits and other grants of approval authorizing the JADU, subject to certain requirements as described in Government Code Sections 65852.2 and 65852.22 and the Humboldt County Code, including recordation of a deed restriction; and

WHEREAS, OWNER desires by this deed restriction to comply with County's conditions of approval attached to the permit issued for the subject property, and to comply with Government Code Sections 58852.2 and 65852.22, and the Humboldt County Code; and

WHEREAS, this Declaration is being recorded in compliance with Government Code Section 65852.22.

NOW, THEREFORE, OWNER hereby declares as follows:

1. This instrument is a deed restriction in compliance with Government Code Sections 65852.2 and 65852.22, and the Humboldt County Zoning Ordinance.
2. In consideration of approval of the JADU, OWNER does hereby agree to comply with the following requirements:
 - a. Separate Ownership. The JADU may not be sold or owned separately from the principal dwelling unit, and the subject property upon which the JADU is located shall not be subdivided in any manner that would authorize such sale or ownership.
 - b. Rental. The principal dwelling unit and the JADU shall not be rented for a period less than thirty (30) consecutive days. The JADU may be rented separate from the principal dwelling unit.
 - c. Size. The JADU is restricted to the maximum size allowed per the development standards identified by Government Code section 65852.2 and 65852.22, as approved by the permit.
 - d. Access. The JADU shall have independent exterior access separate from the principal dwelling unit and shall have shared interior access to the principal dwelling unit if sanitation facilities are shared between the two units.
 - e. Owner Occupancy Requirement. Pursuant to Government Code 65852.22(a)(2), owner-occupancy shall be required in the single-family residence in which the JADU will be permitted. The owner may reside in either the remaining portion of the structure or the newly created JADU dwelling unit. Owner-occupancy shall not be required if the owner is another governmental agency, land trust, or housing organization.
 - f. Other Requirements. The JADU shall comply with all other applicable requirements set forth in California state law, the Humboldt County Code, and state and local regulations.

3. This Deed Restriction shall run with the land and shall bind, be enforceable against, and inure to the benefit of the heirs, personal representatives, successors and assigns of Property Owner, so long as the JADU exists on the subject property.

4. OWNER further understands and acknowledges that lack of compliance with this Deed Restriction may result in legal action by the COUNTY against the OWNER and/or occupants of the subject property. The COUNTY shall have the right to enforce this Deed Restriction and the conditions contained herein through any legal means available to COUNTY, including code enforcement or by appropriate action at law or suit in equity against the OWNER and any persons claiming an interest in the subject property.

5. OWNER agrees to insert in any document which transfers title to the subject property, or any part thereof, the Declaration of Deed Restriction described herein. OWNER further agrees to include in any such transfer document a provision by the terms of which the transferee, and each subsequent transferee, agrees to each and every condition contained in this Notice of Restriction, including the requirement contained in this paragraph.

6. If any provision of this deed restriction is held invalid or in conflict with any applicable federal or state law or regulation, such invalidity or conflict shall not affect the validity of the remaining portions of this deed restriction.

7. The undersigned declare(s) under penalty of perjury that he/she/they are the owner(s) of the Property and has/have executed this *Declaration of Deed Restriction for Junior Accessory Dwelling Unit (JADU)*.

IN WITNESS WHEREOF, the parties hereto have caused this Declaration of Deed Restriction to be executed by their duly authorized officers on the _____ day of _____, 20__.

PROPERTY OWNER

Signature

Signature

Printed Name

Printed Name

CERTIFICATE OF ACKNOWLEDGMENT

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 truthfulness, accuracy, or validity of that document.

STATE OF CALIFORNIA }
COUNTY OF HUMBOLDT }

On this _____ day of _____ 20 ____, before me, _____

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.

Notary Public Signature

(seal)

Exhibit A

PROPERTY DESCRIPTION

All that real property situated in the County of Humboldt, State of California, described as follows:

NOTICE AND ACKNOWLEDGEMENT OF RECEIPT OF DECLARATION OF DEED RESTRICTION FOR JUNIOR ACCESSORY DWELLING UNIT (JADU) AND STATEMENT OF PENALTIES FOR VIOLATIONS THEREOF

I/We, _____ ("Owner") have received a copy of Declaration
(Print Name/s)
of Deed Restriction for Junior Accessory Dwelling Unit (JADU).

By signing this document, I/We acknowledge that I/We have read the Declaration of Deed Restriction in its entirety and understand that violations of the deed restriction will be processed as Category 4 violations if a Code Enforcement action is commenced. I/We further acknowledge that the County reserves the right to seek any other legal remedies available. Violations of the deed restriction include but are not limited to:

- The JADU being sold, transferred, or subdivided in a manner that allows for separate ownership from that of the principal dwelling unit.
- The JADU failing to adhere to the minimum and maximum size allowed per the development standards specified in State and County Code.
- The Owner of the subject property failing to occupy either the principal dwelling unit or the JADU.

Penalties for Category 4 violations may subject the Owner to code enforcement action and fines of up to \$10,000 per day. Humboldt County Code § 352-6.

(Print Name/s)

(Signature)

(Date)

(Assessor's Parcel Number (APN))