

# *City of Brisbane*

## *Planning Commission Agenda Report*

TO: Planning Commission For the Meeting of 10/13/11

FROM: Tim Tune, Senior Planner, via John Swiecki, Community Development Director

SUBJECT: Implementation of Housing Element Program H3a Regarding Condominium Conversions

INTRODUCTION. The recently adopted 2007-2014 Housing Element contains the following policy and program regarding condominium conversions:

**Policy H.B.4 Discourage the conversion of existing apartment buildings to condominiums or cooperatives unless it is demonstrated that such conversion would not adversely affect the rental market or that the conversion would provide unique housing opportunities for very-low-, low- and/or moderate-income households.**

*Program H.B.4.a Refine the current Zoning Ordinance standards for condominium conversions of existing rental units to reflect current law and City policy.*

Under the Housing Element's adopted timelines, Program H.B.4.a is to be implemented by December 2013.

This study session will review the State's current condominium laws and the City's condominium policies and procedures. The next study session will then identify issues regarding condominium conversions and condominiums in general to be addressed in the Municipal Code.

CURRENT CONDOMINIUM LAW. A number of different State codes regulate condominium development and conversion. Due to complications resulting from these differences, a coordinated procedure to process condominium applications is needed.

Condominium projects are considered to be "subdivisions" as defined by California Government Code Section 66424. Government Code Section 66426 requires Tentative and Final Subdivision Maps for all subdivisions creating five or more condominiums. Per Section 66428, a local ordinance may require a Tentative Parcel Map in addition to a Final Parcel Map, for subdivisions of 4 or fewer condominiums. In order to determine whether a Subdivision Map or a Parcel Map is required, an application must identify the number of condominium units proposed, but the units themselves are not required to be mapped, because Section 66427(a) states "a map of a condominium project...need not show the buildings or the manner in which the buildings or the airspace above the property shown on the map are to be divided." Per Government Code Section

66428(b), a city must allow for the waiver of the requirement for a Final Parcel Map, subject to specific findings. The subdivision ordinance may also include provisions for waiving the requirement for a Tentative and Final Map for construction of a condominium project on a single parcel.

In contrast to the Government Code, California Civil Code Section 1531(f) requires that the boundaries of each unit in a condominium project must be described on a recorded final map, parcel map or condominium plan. A "condominium plan," per Civil Code Section 1531(e), consists of "(1) a description or survey map of a condominium project, which shall refer to or show monumentation on the ground, (2) a three-dimensional description of a condominium project, one or more dimensions of which may extend for an indefinite distance upwards or downwards, in sufficient detail to identify the common areas and each separate interest, and (3) a certificate consenting to the recordation of the condominium plan..." According to the State Attorney General, a condominium plan must comply with the Map Act's requirement for Tentative and Final Maps.

Subdivision applications for condominium conversions must be acted upon within 120 days of the application being complete per Government Code Section 664727.2. Per Government Code Section 66452.3, a copy of the staff report on any proposed condominium conversion is to be sent to the subdivider and the tenants of the subject property at least 3 days prior to the hearing.

Government Code Sections 66452.8 and 66452.9 contain specific requirements that the subdivider give notice to tenants and prospective tenants of a building proposed to be converted to condominiums 60 days prior to actually filing the Tentative Map application. Government Code Section 66427.1 requires that a Final Subdivision Map for a condominium conversion project cannot be approved unless the following are found:

1. Each of the tenants of the proposed condominium, community apartment project, or stock cooperative project has received, pursuant to Section 66452.9, written notification of intention to convert at least 60 days prior to the filing of a tentative map pursuant to Section 66452. There shall be a further finding that each such tenant, and each person applying for the rental of a unit in such residential real property, has, or will have, received all applicable notices and rights now or hereafter required by this chapter or Chapter 3 (commencing with Section 66451). In addition, a finding shall be made that each tenant has received 10 days' written notification that an application for a public report will be, or has been, submitted to the Department of Real Estate, and that such report will be available on request. The written notices to tenants required by this subdivision shall be deemed satisfied if such notices comply with the legal requirements for service by mail.

2. Each of the tenants of the proposed condominium, community apartment project, or stock cooperative project has been, or will be, given written notification within 10 days of approval of a final map for the proposed conversion.
3. Each of the tenants of the proposed condominium, community apartment project, or stock cooperative project has been, or will be, given 180 days' written notice of intention to convert prior to termination of tenancy due to the conversion or proposed conversion. The provisions of this subdivision shall not alter or abridge the rights or obligations of the parties in performance of their covenants, including, but not limited to, the provision of services, payment of rent or the obligations imposed by Sections 1941, 1941.1, and 1941.2 of the Civil Code.
4. Each of the tenants of the proposed condominium, community apartment project, or stock cooperative project has been, or will be, given notice of an exclusive right to contract for the purchase of his or her respective unit upon the same terms and conditions that such unit will be initially offered to the general public or terms more favorable to the tenant. The right shall run for a period of not less than 90 days from the date of issuance of the subdivision public report pursuant to Section 11018.2 of the Business and Professions Code, unless the tenant gives prior written notice of his or her intention not to exercise the right.

Even given the above, a condominium conversion cannot be denied, per Government Code Section 66452.8(c), for failure by the subdivider or agent to give the required notice to prospective tenants 66452.8. The City also cannot deny approval of a Parcel, Tentative or Final Map of a condominium project because of the design or location of the buildings on the property if they comply with City ordinances, or because of the manner in which air space is to be divided in the condominium, per Government Code Section 66427. For a condominium subdivision application to be denied when no new units are proposed to be constructed or added, Government Code Section 664727.2 requires that the city's general plan or specific plan contain definite objectives and policies specifically directed at condominium conversions. According to the State Attorney General, the Subdivision Map Act allows the City to deny approval of a subdivision map for a condominium conversion project that would individually or cumulatively in conjunction with other conversions in the community result in a major displacement of tenants, a scarcity of rental units, or a defeat of General Plan goals to encourage open occupancy and promote low and moderate income housing. Condominium conversions of existing buildings are not subject to the required finding that the design of the subdivision shall provide, to the extent feasible, for future passive or natural heating or cooling opportunities per Government Code Section 66473.1.

Per Government Code Section 66452.50, a subdivider proposing to build new condominiums may enter into a binding agreement with the City to require that the units first be made available

as rental housing for at least 10 years from the date of issuance of a certificate of occupancy, subject to specific requirements.

Per Government Code Section 66452.5, there is a 10-day appeal period for any Planning Commission action regarding a Tentative Map for a condominium conversion. Notice of any appeals must be given to tenants of any buildings subject to a proposed condominium conversion.

CITY POLICY REGARDING CONDOMINIUM CONVERSION. Housing Element Policy H.B.4 discourages the conversion of existing apartment buildings to condominiums or cooperatives unless it is demonstrated that such conversions would not adversely affect the rental market or that the conversion would provide unique housing opportunities for very-low-, low- and/or moderate-income households. General Plan Program 8c would not prohibit all condominium conversions, though, because they can “encourage local equity ownership in local development in order to retain more economic benefits within the community.”

Other General Plan policies to keep in mind while refining the current condominium regulations include:

Policy 5      Use the least intrusive rules and regulations consistent with overall governmental needs and State and Federal law.

Policy 6      Set clear and definitive standards for all rules and regulations.

CURRENT ZONING ORDINANCE STANDARDS. Condominium conversions are regulated by Chapter 17.30 of the Brisbane Municipal Code. BMC Section 17.30.020.A requires Planning Commission approval of a Use Permit to convert any existing structure to condominiums, community apartments or stock cooperatives, as well as to build any such new projects. To approve the Use Permit, the Planning Commission must make the standard findings regarding General Plan conformance and public health, safety and welfare. The Commission must also find that the proposal complies with all applicable zoning regulations and, in the case of condominium conversions, all other City requirements.

In addition to the applicable zoning district standards, all condominiums must comply with the outdoor common area requirements contained in BMC Section 17.30.030.C. The formula for calculating the required total outdoor common area with a slope of not more than 10% is based upon the type and height of buildings included in the project. For “horizontal condominiums,” which were originally defined in Section 5.2.B.2.a of Ordinance No 253 (1980) as “buildings in which single-family dwelling units are constructed, either as separate structures or self-contained units, within a common structure having individual entrances and utility connections, no opening in any wall common on two (2) or more units, and no part of any unit on top of any part of any

other unit,” the total outdoor common area must amount to at least 750 sq. ft. per unit. For “vertical condominiums,” distinguished in 1980 as condominiums in which “any part of any dwelling unit is on top of any part of any other dwelling unit,” the total must amount to at least 500 sq. ft. per unit in buildings averaging 2 stories or less in height, 400 sq. ft. per unit in buildings averaging between 2 and 3 stories, and 300 sq. ft. per unit in buildings averaging 3 stories or more.

The Use Permit application requirements for new construction of condominiums include submittal of “drawings showing how airspace is to be divided within the condominium” and “a copy of the tentative subdivision map” per BMC Section 17.30.040, bridging the gap between the Government Code and the Civil Code. Use Permit applications for condominium conversions must include detailed reports of the building’s history and condition, as well as a tentative subdivision map, per BMC Section 17.30.050. In addition, a list of all of the current building tenants and their length of tenancy, a summary of average rents and an inventory of the units by number of rooms and square footage must be provided. A “housing and tenant relocation report” is also required, which must include a proposed relocation assistance program, vacancy rate information for northern San Mateo County, as well as countywide, and a proposed schedule of meetings the applicant is to have with tenants to explain the ramifications of the application.

BMC Section 17.30.060 requires that “[p]rior to the conveyance of any unit, the premises shall be inspected by a licensed civil engineer to ascertain that the structures are consistent with the public health and safety,” and that “[h]azardous and unsafe conditions shall be alleviated and repaired prior to the conveyance of any unit, regardless of whether the condition may have complied with the provisions of this title at the time of original construction.” This section is discussed further below.

The creation of condominiums is also regulated by the Subdivision Ordinance (Title 16 of the Brisbane Municipal Code). Condominium projects are treated as a “subdivision” (BMC Section 16.08.280). Tentative and Final Subdivision Maps are required for 5 or more condominiums per BMC Section 16.12.010.B (without exception per BMC Section 16.12.020.A). Tentative and Final Parcel Maps are required for 4 or fewer condominiums per BMC Section 16.12.030. The requirement for a Final Parcel Map may be waived by the Planning Commission per BMC Section 16.12.050, if, when reviewing the Tentative Parcel Map, the Commission finds that the proposed division of land complies with applicable minimum lot area requirements, infrastructure standards, CEQA, recorded boundary monumentation and other code requirements. Per BMC Sections 16.16.190.D and 16.44.050.B.3, notice of public hearings must be given to tenants in buildings proposed to be converted to condominiums. BMC Section 16.20.270.E specifies the findings the City Council must make before approving the Final Map for a condominium conversion project, which include additional notification requirements.

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ATTACHMENTS:

Brisbane Municipal Code Excerpts  
California Government Code Excerpts  
California Business & Professions Code and Civil Code Excerpts

## BRISBANE MUNICIPAL CODE EXCERPTS

### 17.02.150 - Condominium.

"Condominium" means a building, or group of buildings, in which dwellings units, offices, retail sales or rental spaces, floor areas, or other portions of the property are owned individually or restricted for the exclusive use of a single owner, and the structure, common areas, and common facilities are owned by all the owners on a proportional, undivided basis. The individual ownership interest may include a fee, a life estate, a leasehold, or a right of use during a specific period of time.

### Chapter 17.30 - CONDOMINIUMS

#### Sections:

#### 17.30.010 - Purpose.

#### 17.30.020 - Permits-Conversions-New construction projects.

#### 17.30.030 - Development standards.

#### 17.30.040 - Development application.

#### 17.30.050 - Conversion application.

#### 17.30.060 - Property inspection and compliance.

#### 17.30.010 - Purpose.

The city council finds and determines that condominiums, community apartments, and stock cooperatives differ from apartments in numerous respects, and that, for the benefit of public health, safety, and welfare, such projects should be treated differently from apartments. The city council, therefore, states its express intent to treat such projects differently from apartments and like structures for the protection of the community and the purchasers of condominiums, community apartments, and stock cooperatives.

#### 17.30.020 - Permits-Conversions-New construction projects.

A. Before final approval and issuance of any building permit for any condominium, community apartments, or stock cooperative project, and before the conversion of any existing structure to condominiums, community apartments, or stock cooperatives, the developer, builder or other person seeking to construct the project or convert the existing structure shall first obtain from the planning commission a use permit for new construction, or conversion, as the case may be.

B. Such permit shall be issued only upon the approval of the planning commission, or the city council, on appeal, after it has been determined that such project or existing structures conform to the general plan, all applicable zoning regulations, and, in the case of the conversions, to all other city requirements.

C. Use permits shall be evaluated and processed pursuant to Chapter 17.40. No use permit for a conversion or for new construction shall be granted unless the planning commission, or the city council on appeal, finds that the granting of

the application will not under the circumstances of the particular case, be detrimental to the health, safety, morals or general welfare of the persons residing or working in the neighborhoods of the proposed project or conversion, or be injurious or detrimental to property and improvements in the neighborhood or to the general welfare of the city.

17.30.030 - Development standards.

- A. Use, Height, Yard, and Other Regulations. Regulations governing the use, building height, required yards, building separation, signs, off-street parking, and other explicit regulations, where applicable and where not governed by the provisions of this chapter shall be those of the district within which the development is located.
- B. Density. The maximum allowable density in any residential condominium shall be the density specified for the district in which the condominium is located.
- C. Outdoor Common Area. In all residential condominiums the outdoor common area, exclusive of all structures, shall contain an area having a slope of not more than ten percent (10%) and a minimum area per unit as follows:
  - 1. For horizontal condominiums, seven hundred fifty (750) square feet per unit; and
  - 2. For vertical condominiums:
    - a. Where structures average two (2) stories or less, five hundred (500) square feet per unit;
    - b. Where structures average between two (2) and three (3) stories, four hundred (400) square feet per unit; and
    - c. Where structures average three (3) stories or more, three hundred (300) square feet per unit.
- D. Right-of-Way. The rights-of-way, and improvements thereon, for all streets, whether to be public or private, shall be approved by the commission.

17.30.040 - Development application.

Applications for use permits for condominium developments shall be accompanied by the following:

- A. A map to a workable scale, showing the site in relation to surrounding property, existing roads and other existing improvements;
- B. A site plan, showing proposed improvements, locations of buildings on the ground, orientation of buildings, utilities, public services, public facilities, streets and alleys, landscaping, and the boundaries of the projects;
- C. Drawings showing how airspace is to be divided within the condominium;
- D. A copy of the tentative subdivision map, except where a vesting tentative map is to be used for the development project, in which case a use permit for the condominium, community apartments, or stock



cooperative project shall be approved prior to or concurrently with the vesting tentative map;

E. Floor plans and elevations of all proposed buildings and structures;

F. A copy of the declaration of restrictions and proposed management arrangement relating to the projects, as required by the provisions of Section 1355 of the Civil Code of the state; and

G. Any information deemed necessary or desirable in assisting the commission in its determinations.

17.30.050 - Conversion application.

The application for a use permit for a conversion project shall include, in addition to the requirements imposed elsewhere, the following information:

A. Original building plans, landscaping plans and other plans showing the locations of all buildings and structures, utility facilities and landscaping;

B. A tentative subdivision map, except where a vesting tentative map is to be used for the conversion project, in which case a use permit for the conversion project shall be approved prior to or concurrently with the vesting tentative map;

C. 1. A building history report, including the following:  
a. The date of construction of all elements of the project,  
b. A statement of the major uses of the project since construction,  
c. The date and description of each major repair or renovation of any element since the date of construction,  
d. The name and address of each present tenant of the project,

2. Failure to provide information required by subdivision 1 of this subsection shall be accompanied by an affidavit or declaration setting forth in detail all efforts undertaken to discover such information and reasons why the information cannot be obtained;

D. 1. A property report describing the condition and estimating the useful life of each of the following elements of each structure within the project:

- a. Foundations,
- b. Structural elements,
- c. Roofs,
- d. Drainage systems,
- e. Exterior sidings and finishes,
- f. Paved surfaces,
- g. Mechanical systems,
- h. Electrical systems,
- i. Plumbing systems, including sewer systems,

- j. Landscaping,
  - k. Sprinkler systems for landscaping,
  - l. Utility delivery systems,
  - m. Central or community heating and air conditioning systems,
  - n. Fire protection systems, including any automatic sprinkler systems,
  - o. Alarm systems,
  - p. Smoke detectors,
  - q. Standpipe systems,
2. Such report shall be presented by a licensed engineer. In addition, a statement of the condition of all appliances in each unit shall be submitted;
- E. A structural pest control report prepared by a licensed structural pest control operator pursuant to Section 8516 of the Business and Professions Code;
- F. A summary of average rents for each bedroom type of rental unit, and a detailed unit history containing the following information:
- 1. Location of unit,
  - 2. Number of rooms,
  - 3. Size of unit in square feet,
  - 4. Rental rate during two (2) years preceding the date of submittal of the application, indicating dates of rental rate increases,
  - 5. Duration of occupancy of present tenants;
- G. A housing and tenant relocation report. Such report shall be prepared by a qualified consultant. At the discretion of the planning director, the consultant shall be selected either by the director or the applicant. The cost of the report shall be borne by the applicant. The report shall contain the following information:
- 1. The number of multiple dwelling rental units which will remain in the city after the conversion,
  - 2. The nature and type of relocation assistance proposed by the applicant, including financial assistance and the provision of alternative housing facilities, including relocation programs,
  - 3. Vacancy information in rental units and the availability thereof:
    - a. Within San Mateo County in general, and
    - b. Within northern San Mateo County in particular, including territory within the cities of Daly City, Pacifica, South San Francisco, Brisbane, Colma, San Bruno, Millbrae, and Burlingame, and the adjacent unincorporated territory,

4. The proposed schedule of meetings which the applicant plans or proposes to hold with tenants to explain the application and its ramifications to the tenants,
5. The proposed phasing or timing schedule of conversion and sale of units,
6. Whether existing tenants will be given any discount from otherwise applicable sales prices,
7. Any plan for temporary displacement of tenants who purchase units,
8. A description of the demographic composition of the tenants, including information on age, persons per unit, persons over age sixty-two (62), number of permanent disabled persons, and tenure per unit.

17.30.060 - Property inspection and compliance.

Prior to the conveyance of any unit, the premises shall be inspected by a licensed civil engineer to ascertain that the structures are consistent with the public health and safety. Such inspection shall be performed at the expense of the applicant. Hazardous and unsafe conditions shall be alleviated and repaired prior to the conveyance of any unit, regardless of whether the condition may have complied with the provisions of this title at the time of original construction. The project must meet, at a minimum, the standards as were in effect as of the date of construction of the structure within the project.

**CALIFORNIA  
BUSINESS AND PROFESSIONS CODE EXCERPTS**

11003.2. "Stock cooperative" has the same meaning as specified in subdivision (m) of Section 1351 of the Civil Code, except that, as used in this chapter, a "stock cooperative" does not include a limited-equity housing cooperative.

11004. "Community apartment project" has the same meaning as specified in subdivision (d) of Section 1351 of the Civil Code.

11018.2. No person shall sell or lease, or offer for sale or lease in this state any lots or parcels in a subdivision without first obtaining a public report from the Real Estate Commissioner. This section shall not apply to subdivisions for which a notice of intention is not required under the provisions of this chapter.

**CALIFORNIA  
CIVIL CODE EXCERPTS**

1350. This title shall be known and may be cited as the Davis-Stirling Common Interest Development Act.

1351. As used in this title, the following terms have the following meanings:

(a) "Association" means a nonprofit corporation or unincorporated association created for the purpose of managing a common interest development.

(b) "Common area" means the entire common interest development except the separate interests therein. The estate in the common area may be a fee, a life estate, an estate for years, or any combination of the foregoing. However, the common area for a planned development specified in paragraph (2) of subdivision (k) may consist of mutual or reciprocal easement rights appurtenant to the separate interests.

(c) "Common interest development" means any of the following:

(1) A community apartment project.

(2) A condominium project.

(3) A planned development.

(4) A stock cooperative.

(d) "Community apartment project" means a development in which an undivided interest in land is coupled with the right of exclusive occupancy of any apartment located thereon.

(e) "Condominium plan" means a plan consisting of (1) a description or survey map of a condominium project, which shall refer to or show monumentation on the ground, (2) a three-dimensional description of a condominium project, one or more dimensions of which may extend for an indefinite distance upwards or downwards, in sufficient detail to identify the common areas and each separate interest, and (3) a certificate

consenting to the recordation of the condominium plan pursuant to this title signed and acknowledged by the following:

(A) The record owner of fee title to that property included in the condominium project.

(B) In the case of a condominium project which will terminate upon the termination of an estate for years, the certificate shall be signed and acknowledged by all lessors and lessees of the estate for years.

(C) In the case of a condominium project subject to a life estate, the certificate shall be signed and acknowledged by all life tenants and remainder interests.

(D) The certificate shall also be signed and acknowledged by either the trustee or the beneficiary of each recorded deed of trust, and the mortgagee of each recorded mortgage encumbering the property.

Owners of mineral rights, easements, rights-of-way, and other nonpossessory interests do not need to sign the condominium plan.

Further, in the event a conversion to condominiums of a community apartment project or stock cooperative has been approved by the required number of owners, trustees, beneficiaries, and mortgagees pursuant to Section 66452.10 of the Government Code, the certificate need only be signed by those owners, trustees, beneficiaries, and mortgagees approving the conversion.

A condominium plan may be amended or revoked by a subsequently acknowledged recorded instrument executed by all the persons whose signatures would be required pursuant to this subdivision.

(f) A "condominium project" means a development consisting of condominiums. A condominium consists of an undivided interest in common in a portion of real property coupled with a separate interest in space called a unit, the boundaries of which are described on a recorded final map, parcel map, or condominium plan in sufficient detail to locate all boundaries thereof. The area within these boundaries may be filled with air, earth, or water, or any combination thereof, and need not be physically attached to land except by easements for access and, if necessary, support. The description of the unit may refer to (1) boundaries described in the recorded final map, parcel map, or condominium plan, (2) physical boundaries, either in existence, or to be constructed, such as walls, floors, and ceilings of a structure or any portion thereof, (3) an entire structure containing one or more units, or (4) any combination thereof. The portion or portions of the real property held in undivided interest may be all of the real property, except for the separate interests, or may include a particular three-dimensional portion thereof, the boundaries of which are described on a recorded final map, parcel map, or condominium plan. The area within these boundaries may be filled with air, earth, or water, or any combination thereof, and need not be physically attached to land except by easements for access and, if necessary, support. An individual condominium within a condominium project may include, in addition, a separate interest in other portions of the real property.

(g) "Declarant" means the person or group of persons designated in the declaration as declarant, or if no declarant is designated, the person or group of persons who sign the original declaration or who succeed to special rights, preferences, or privileges designated in the declaration as belonging to the signator of the original declaration.

(h) "Declaration" means the document, however denominated, which contains the information required by Section 1353.

(i) "Exclusive use common area" means a portion of the common areas designated by the declaration for the exclusive use of one or more, but fewer than all, of the owners of the separate interests and which is or will be appurtenant to the separate interest or interests.

(1) Unless the declaration otherwise provides, any shutters, awnings, window boxes, doorsteps, stoops, porches, balconies, patios, exterior doors, doorframes, and hardware incident thereto, screens and windows or other fixtures designed to serve a single separate interest, but located outside the boundaries of the separate interest, are exclusive use common areas allocated exclusively to that separate interest.

(2) Notwithstanding the provisions of the declaration, internal and external telephone wiring designed to serve a single separate interest, but located outside the boundaries of the separate interest, are exclusive use common areas allocated exclusively to that separate interest.

(j) "Governing documents" means the declaration and any other documents, such as bylaws, operating rules of the association, articles of incorporation, or articles of association, which govern the operation of the common interest development or association.

(k) "Planned development" means a development (other than a community apartment project, a condominium project, or a stock cooperative) having either or both of the following features:

(1) The common area is owned either by an association or in common by the owners of the separate interests who possess appurtenant rights to the beneficial use and enjoyment of the common area.

(2) A power exists in the association to enforce an obligation of an owner of a separate interest with respect to the beneficial use and enjoyment of the common area by means of an assessment which may become a lien upon the separate interests in accordance with Section 1367 or 1367.1.

(l) "Separate interest" has the following meanings:

(1) In a community apartment project, "separate interest" means the exclusive right to occupy an apartment, as specified in subdivision (d).

(2) In a condominium project, "separate interest" means an individual unit, as specified in subdivision (f).

(3) In a planned development, "separate interest" means a separately owned lot, parcel, area, or space.

(4) In a stock cooperative, "separate interest" means the exclusive right to occupy a portion of the real property, as specified in subdivision (m).

Unless the declaration or condominium plan, if any exists, otherwise provides, if walls, floors, or ceilings are designated as boundaries of a separate interest, the interior surfaces of the perimeter walls, floors, ceilings, windows, doors, and outlets located within the separate interest are part of the separate interest and any other portions of the walls, floors, or ceilings are part of the common areas.

The estate in a separate interest may be a fee, a life estate, an estate for years, or any combination of the foregoing.

(m) "Stock cooperative" means a development in which a corporation is formed or availed of, primarily for the purpose of holding title to, either in fee simple or for a term of years, improved real property, and all or substantially all of the shareholders of the

corporation receive a right of exclusive occupancy in a portion of the real property, title to which is held by the corporation. The owners' interest in the corporation, whether evidenced by a share of stock, a certificate of membership, or otherwise, shall be deemed to be an interest in a common interest development and a real estate development for purposes of subdivision (f) of Section 25100 of the Corporations Code.

A "stock cooperative" includes a limited equity housing cooperative which is a stock cooperative that meets the criteria of Section 817.

1352. This title applies and a common interest development is created whenever a separate interest coupled with an interest in the common area or membership in the association is, or has been, conveyed, provided, all of the following are recorded:

(a) A declaration.

(b) A condominium plan, if any exists.

(c) A final map or parcel map, if Division 2 (commencing with Section 66410) of Title 7 of the Government Code requires the recording of either a final map or parcel map for the common interest development.

1353. (a) A declaration, recorded on or after January 1, 1986, shall contain a legal description of the common interest development, and a statement that the common interest development is a community apartment project, condominium project, planned development, stock cooperative, or combination thereof. The declaration shall additionally set forth the name of the association and the restrictions on the use or enjoyment of any portion of the common interest development that are intended to be enforceable equitable servitudes.

...

(b) The declaration may contain any other matters the original signator of the declaration or the owners consider appropriate.

1355. (a) The declaration may be amended pursuant to the governing documents or this title. Except as provided in Section 1356, an amendment is effective after (1) the approval of the percentage of owners required by the governing documents has been given, (2) that fact has been certified in a writing executed and acknowledged by the officer designated in the declaration or by the association for that purpose, or if no one is designated, by the president of the association, and (3) that writing has been recorded in each county in which a portion of the common interest development is located.

(b) Except to the extent that a declaration provides by its express terms that it is not amendable, in whole or in part, a declaration which fails to include provisions permitting its amendment at all times during its existence may be amended at any time. For purposes of this subdivision, an amendment is only effective after (1) the proposed amendment has been distributed to all of the owners of separate interests in the common interest development by first-class mail postage prepaid or personal delivery not less than 15 days and not more than 60 days prior to any approval being solicited; (2) the approval of owners representing more than 50 percent, or any higher percentage required by the declaration for the approval of an amendment to the declaration, of the separate interests in the common interest development has been given, and that fact

has been certified in a writing, executed and acknowledged by an officer of the association; and (3) the amendment has been recorded in each county in which a portion of the common interest development is located. A copy of any amendment adopted pursuant to this subdivision shall be distributed by first-class mail postage prepaid or personal delivery to all of the owners of separate interest immediately upon its recordation.

1372. Unless a contrary intent is clearly expressed, local zoning ordinances shall be construed to treat like structures, lots, parcels, areas, or spaces in like manner regardless of whether the common interest development is a community apartment project, condominium project, planned development, or stock cooperative.

1941. The lessor of a building intended for the occupation of human beings must, in the absence of an agreement to the contrary, put it into a condition fit for such occupation, and repair all subsequent dilapidations thereof, which render it untenable, except such as are mentioned in section nineteen hundred and twenty-nine.

1941.1. A dwelling shall be deemed untenable for purposes of Section 1941 if it substantially lacks any of the following affirmative standard characteristics or is a residential unit described in Section 17920.3 or 17920.10 of the Health and Safety Code:

(a) Effective waterproofing and weather protection of roof and exterior walls, including unbroken windows and doors.

(b) Plumbing or gas facilities which conformed to applicable law in effect at the time of installation, maintained in good working order.

(c) A water supply approved under applicable law, which is under the control of the tenant, capable of producing hot and cold running water, or a system which is under the control of the landlord, which produces hot and cold running water, furnished to appropriate fixtures, and connected to a sewage disposal system approved under applicable law.

(d) Heating facilities which conformed with applicable law at the time of installation, maintained in good working order.

(e) Electrical lighting, with wiring and electrical equipment which conformed with applicable law at the time of installation, maintained in good working order.

(f) Building, grounds and appurtenances at the time of the commencement of the lease or rental agreement in every part clean, sanitary, and free from all accumulations of debris, filth, rubbish, garbage, rodents and vermin, and all areas under control of the landlord kept in every part clean, sanitary, and free from all accumulations of debris, filth, rubbish, garbage, rodents, and vermin.

(g) An adequate number of appropriate receptacles for garbage and rubbish, in clean condition and good repair at the time of the commencement of the lease or rental agreement, with the landlord providing appropriate serviceable receptacles thereafter, and being responsible for the clean condition and good repair of such receptacles under his control.

(h) Floors, stairways, and railings maintained in good repair.



(i) A locking mail receptacle for each residential unit in a residential hotel, as required by Section 17958.3 of the Health and Safety Code. This subdivision shall become operative on July 1, 2008.

1941.2. (a) No duty on the part of the landlord to repair a dilapidation shall arise under Section 1941 or 1942 if the tenant is in substantial violation of any of the following affirmative obligations, provided the tenant's violation contributes substantially to the existence of the dilapidation or interferes substantially with the landlord's obligation under Section 1941 to effect the necessary repairs:

(1) To keep that part of the premises which he occupies and uses clean and sanitary as the condition of the premises permits.

(2) To dispose from his dwelling unit of all rubbish, garbage and other waste, in a clean and sanitary manner.

(3) To properly use and operate all electrical, gas and plumbing fixtures and keep them as clean and sanitary as their condition permits.

(4) Not to permit any person on the premises, with his permission, to willfully or wantonly destroy, deface, damage, impair or remove any part of the structure or dwelling unit or the facilities, equipment, or appurtenances thereto, nor himself do any such thing.

(5) To occupy the premises as his abode, utilizing portions thereof for living, sleeping, cooking or dining purposes only which were respectively designed or intended to be used for such occupancies.

(b) Paragraphs (1) and (2) of subdivision (a) shall not apply if the landlord has expressly agreed in writing to perform the act or acts mentioned therein.

**CALIFORNIA  
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66424. "Subdivision" means the division, by any subdivider, of any unit or units of improved or unimproved land, or any portion thereof, shown on the latest equalized county assessment roll as a unit or as contiguous units, for the purpose of sale, lease or financing, whether immediate or future. Property shall be considered as contiguous units, even if it is separated by roads, streets, utility easement or railroad rights-of-way. "Subdivision" includes a condominium project, as defined in subdivision (f) of Section 1351 of the Civil Code, a community apartment project, as defined in subdivision (d) of Section 1351 of the Civil Code, or the conversion of five or more existing dwelling units to a stock cooperative, as defined in subdivision (m) of Section 1351 of the Civil Code.

66426. A tentative and final map shall be required for all subdivisions creating five or more parcels, five or more condominiums as defined in Section 783 of the Civil Code, a community apartment project containing five or more parcels, or for the conversion of a dwelling to a stock cooperative containing five or more dwelling units, except where any one of the following occurs:

(a) The land before division contains less than five acres, each parcel created by the division abuts upon a maintained public street or highway, and no dedications or improvements are required by the legislative body.

(b) Each parcel created by the division has a gross area of 20 acres or more and has an approved access to a maintained public street or highway.

(c) The land consists of a parcel or parcels of land having approved access to a public street or highway, which comprises part of a tract of land zoned for industrial or commercial development, and which has the approval of the governing body as to street alignments and widths.

(d) Each parcel created by the division has a gross area of not less than 40 acres or is not less than a quarter of a quarter section.

(e) The land being subdivided is solely for the creation of an environmental subdivision pursuant to Section 66418.2.

(f) A parcel map shall be required for those subdivisions described in subdivisions (a), (b), (c), (d), and (e).

66427. Requirements for map of condominium, community apartment, or stock cooperative project; Separation of three-dimensional portion from remainder of property or division into condominiums.

(a) A map of a condominium project, a community apartment project, or of the conversion of five or more existing dwelling units to a stock cooperative project need not show the buildings or the manner in which the buildings or the airspace above the property shown on the map are to be divided, nor shall the governing body have the right to refuse approval of a parcel, tentative, or final map of the project on account of the design or the location of buildings on the property shown on the map that are not violative of local ordinances or on account of the manner in which airspace is to be divided in conveying the condominium.

(b) A map need not include a condominium plan or plans, as defined in subdivision (e) of Section 1351 of the Civil Code, and the government body may not refuse approval of a parcel, tentative, or final map of the project on account of the absence of a condominium plan.

(c) Fees and lot design requirements shall be computed and imposed with respect to those maps on the basis of parcels or lots of the surface of the land shown thereon as included in the project.

(d) Nothing herein shall be deemed to limit the power of the legislative body to regulate the design or location of buildings in such a project by or pursuant to local ordinances.

(e) If the governing body has approved a parcel map or final map for the establishment of condominiums on property pursuant to the requirements of this division, the separation of a three-dimensional portion or portions of the property from the remainder of the property or the division of that three-dimensional portion or portions into condominiums shall not constitute a further subdivision as defined in Section 66424, provided each of the following conditions has been satisfied:

(1) The total number of condominiums established is not increased above the number authorized by the local agency in approving the parcel map or final map.

(2) A perpetual estate or an estate for years in the remainder of the property is held by the condominium owners in undivided interests in common, or by an association as defined in subdivision (a) of Section 1351 of the Civil Code, and the duration of the estate in the remainder of the property is the same as the duration of the estate in the condominiums.

(3) The three-dimensional portion or portions of property are described on a condominium plan or plans, as defined in subdivision (e) of Section 1351 of the Civil Code.

66427.1. (a) The legislative body shall not approve a final map for a subdivision to be created from the conversion of residential real property into a condominium project, a community apartment project, or a stock cooperative project, unless it finds as follows:

(1) Each tenant of the proposed condominium, community apartment project, or stock cooperative project, and each person applying for the rental of a unit in the residential real property, has received or will have received all applicable notices and rights now or hereafter required by this chapter or Chapter 3 (commencing with Section 66451).

(2) Each of the tenants of the proposed condominium, community apartment project, or stock cooperative project has received or will receive each of the following notices:

(A) Written notification, pursuant to Section 66452.18, of intention to convert, provided at least 60 days prior to the filing of a tentative map pursuant to Section 66452.

(B) Ten days' written notification that an application for a public report will be, or has been, submitted to the Department of Real Estate, that the period for each tenant's right to purchase begins with the issuance of the final public report, and that the report will be available on request.

(C) Written notification that the subdivider has received the public report from the Department of Real Estate. This notice shall be provided within five days after the date that the subdivider receives the public report from the Department of Real Estate.

(D) Written notification within 10 days after approval of a final map for the proposed conversion.

(E) One hundred eighty days' written notice of intention to convert, provided prior to termination of tenancy due to the conversion or proposed conversion pursuant to Section 66452.19, but not before the local authority has approved a tentative map for the conversion. The notice given pursuant to this paragraph shall not alter or abridge the rights or obligations of the parties in performance of their covenants, including, but not limited to, the provision of services, payment of rent, or the obligations imposed by Sections 1941, 1941.1, and 1941.2 of the Civil Code.

(F) Notice of an exclusive right to contract for the purchase of his or her respective unit upon the same terms and conditions that the unit will be initially offered to the general public or terms more favorable to the tenant pursuant to Section 66452.20. The exclusive right to purchase shall commence on the date the subdivision public report is issued, as provided in Section 11018.2 of the Business and Professions Code, and shall run for a period of not less than 90 days, unless the tenant gives prior written notice of his or her intention not to exercise the right.

(b) The written notices to tenants required by subparagraphs (A) and (B) of paragraph (2) of subdivision (a) shall be deemed satisfied if those notices comply with the legal requirements for service by mail.

(c) This section shall not diminish, limit, or expand, other than as provided in this section, the authority of any city, county, or city and county to approve or disapprove condominium projects.

(d) If a rental agreement was negotiated in Spanish, Chinese, Tagalog, Vietnamese, or Korean, all required written notices regarding the conversion of residential real property into a condominium project, a community apartment project, or a stock cooperative project shall be issued in that language.

66427.2. Unless applicable general or specific plans contain definite objectives and policies, specifically directed to the conversion of existing buildings into condominium projects or stock cooperatives, the provisions of Sections 66473.5, 66474, and 66474.61, and subdivision (c) of Section 66474.60 shall not apply to condominium projects or stock cooperatives, which consist of the subdivision of airspace in an existing structure, unless new units are to be constructed or added.

A city, county, or city and county acting pursuant to this section shall approve or disapprove the conversion of an existing building to a stock cooperative within 120 days following receipt of a completed application for approval of such conversion.

This section shall not diminish, limit or expand, other than as provided herein, the authority of any city, county, or city and county to approve or disapprove condominium projects.

66428. (a) Local ordinances may require a tentative map where a parcel map is required by this chapter. A parcel map shall be required for subdivisions as to which a final or parcel map is not otherwise required by this chapter, unless the preparation of the parcel map is waived by local ordinance as provided in this section.

A parcel map shall not be required for either of the following:

(1) Subdivisions of a portion of the operating right-of-way of a railroad corporation, as defined by Section 230 of the Public Utilities Code, that are created by short-term leases (terminable by either party on not more than 30 days' notice in writing).

(2) Land conveyed to or from a governmental agency, public entity, public utility, or for land conveyed to a subsidiary of a public utility for conveyance to that public utility for rights-of-way, unless a showing is made in individual cases, upon substantial evidence, that public policy necessitates a parcel map. For purposes of this subdivision, land conveyed to or from a governmental agency shall include a fee interest, a leasehold interest, an easement, or a license.

(b) A local agency shall, by ordinance, provide a procedure for waiving the requirement for a parcel map, imposed by this division, including the requirements for a parcel map imposed by Section 66426. The procedure may include provisions for waiving the requirement for a tentative and final map for the construction of a condominium project on a single parcel. The ordinance shall require a finding by the legislative body or advisory agency, that the proposed division of land complies with requirements established by this division or local ordinance enacted pursuant thereto as to area, improvement and design, floodwater drainage control, appropriate improved public roads, sanitary disposal facilities, water supply availability, environmental protection, and other requirements of this division or local ordinance enacted pursuant thereto. In any case, where the requirement for a parcel map is waived by local ordinance pursuant to this section, a tentative map may be required by local ordinance.

(c) If a local ordinance does not require a tentative map where a parcel map is required by this division, the subdivider shall have the option of submitting a tentative map, or if he or she desires to obtain the rights conferred by Chapter 4.5 (commencing with Section 66498.1), a vesting tentative map.

66451. The procedures set forth in this chapter shall govern the processing, approval, conditional approval or disapproval and filing of tentative, final and parcel maps and the modification thereof. Local ordinances may modify such procedures to the extent authorized by this chapter.

66452. (a) A tentative map shall be filed with the clerk of the advisory agency or, if there is no advisory agency, with the clerk of the legislative body, or with any other officer or employee of the local agency as may be designated by local ordinance.

(b) A vesting tentative map shall be filed and processed in the same manner as a tentative map except as otherwise provided by this division or by a local ordinance adopted pursuant to this division.

(c) At the time a vesting tentative map is filed it shall have printed conspicuously on its face the words "Vesting Tentative Map."

66452.3. Any report or recommendation on a tentative map by the staff of the local agency to the advisory agency or legislative body shall be in writing and a copy thereof served on the subdivider and on each tenant of the subject property, in the case of a proposed conversion of residential real property to a condominium project, community apartment project, or stock cooperative project, at least three days prior to any hearing or action on such map by such advisory agency or legislative body. Pursuant to Section 66451.2, fees may be collected from the subdivider for expenses incurred under this section.

66452.5. (a) (1) The subdivider, or any tenant of the subject property, in the case of a proposed conversion of residential real property to a condominium project, community apartment project, or stock cooperative project, may appeal from any action of the advisory agency with respect to a tentative map to the appeal board established by local ordinance or, if none, to the legislative body.

(2) The appeal shall be filed with the clerk of the appeal board, or if there is none, with the clerk of the legislative body within 10 days after the action of the advisory agency from which the appeal is being taken.

(3) Upon the filing of an appeal, the appeal board or legislative body shall set the matter for hearing. The hearing shall be held within 30 days after the date of a request filed by the subdivider or the appellant. If there is no regular meeting of the legislative body within the next 30 days for which notice can be given pursuant to Section 66451.3, the appeal may be heard at the next regular meeting for which notice can be given, or within 60 days from the date of the receipt of the request, whichever period is shorter. Within 10 days following the conclusion of the hearing, the appeal board or legislative body shall render its decision on the appeal.

(b) (1) The subdivider, any tenant of the subject property, in the case of a conversion of residential real property to a condominium project, community apartment project, or stock cooperative project, or the advisory agency may appeal from the action of the appeal board to the legislative body. The appeal shall be filed in writing with the clerk of the legislative body within 10 days after the action of the appeal board from which the appeal is being taken.

(2) After the filing of an appeal, the legislative body shall set the matter for hearing. The hearing shall be held within 30 days after the date of the request filed by the subdivider or the appellant. If there is no regular meeting of the legislative body within the next 30 days for which notice can be given pursuant to Section 66451.3, the appeal may be heard at the next regular meeting for which notice can be given, or within 60 days from the date of the receipt of the request, whichever period is shorter. Within 10 days following the conclusion of the hearing, the legislative body shall render its decision on the appeal.

(c) (1) If there is an appeal board and it fails to act upon an appeal within the time limit specified in this chapter, the decision from which the appeal was taken shall be deemed affirmed and an appeal therefrom may thereupon be taken to the legislative body as provided in subdivision (b) of this section. If no further appeal is taken, the tentative map, insofar as it complies with applicable requirements of this division and any local ordinance, shall be deemed approved or conditionally approved as last approved or conditionally approved by the advisory agency, and it shall be the duty of the clerk of the legislative body to certify or state that approval, or if the advisory agency is one which is not authorized by local ordinance to approve, conditionally approve, or disapprove the tentative map, the advisory agency shall submit its report to the legislative body as if no appeal had been taken.

(2) If the legislative body fails to act upon an appeal within the time limit specified in this chapter, the tentative map, insofar as it complies with applicable requirements of this division and any local ordinance, shall be deemed to be approved or conditionally approved as last approved or conditionally approved, and it shall be the duty of the clerk of the legislative body to certify or state that approval.

(d) (1) Any interested person adversely affected by a decision of the advisory agency or appeal board may file an appeal with the legislative body concerning any decision of the advisory agency or appeal board. The appeal shall be filed with the clerk of the legislative body within 10 days after the action of the advisory agency or appeal board that is the subject of the appeal. Upon the filing of the appeal, the legislative body shall set the matter for hearing. The hearing shall be held within 30 days after the date of a request filed by the subdivider or the appellant. If there is no regular meeting of the legislative body within the next 30 days for which notice can be given pursuant to Section 66451.3, the appeal may be heard at the next regular meeting for which notice can be given, or within 60 days from the date of the receipt of the request, whichever period is shorter. The hearing may be a public hearing for which notice shall be given in the time and manner provided.

(2) Upon conclusion of the hearing, the legislative body shall, within 10 days, declare its findings based upon the testimony and documents produced before it or before the advisory board or the appeal board. The legislative body may sustain, modify, reject, or overrule any recommendations or rulings of the advisory board or the appeal board and may make any findings that are not inconsistent with the provisions of this chapter or any local ordinance adopted pursuant to this chapter.

(e) Each decision made pursuant to this section shall be supported by findings that are consistent with the provisions of this division and any local ordinance adopted pursuant to this division.

(f) Notice of each hearing provided for in this section shall be sent by United States mail to each tenant of the subject property, in the case of a conversion of residential real property to a condominium project, community apartment project, or stock cooperative project, at least three days prior to the hearing. The notice requirement of this subdivision shall be deemed satisfied if the notice complies with the legal requirements for service by mail. Pursuant to Section 66451.2, fees may be collected from the subdivider or from persons appealing or filing an appeal for expenses incurred under this section.

66452.17. (a) Commencing at a date not less than 60 days prior to the filing of a tentative map pursuant to Section 66452, the subdivider or his or her agent shall give notice of such filing, in the form outlined in subdivision (b), to each person applying after such date for rental of a unit of the subject property immediately prior to the acceptance of any rent or deposit from the prospective tenant by the subdivider.

(b) The notice shall be as follows:

"To the prospective occupant(s) of \_\_\_\_\_ (address):

The owner(s) of this building, at (address), has filed or plans to file a tentative map with the (city, county, or city and county) to convert this building to a (condominium, community apartment, or stock cooperative project). No units may be sold in this building unless the conversion is approved by the (city, county, or city and county) and until after a public report is issued by the Department of Real Estate. If you become a tenant of this building, you shall be given notice of each hearing for which notice is required pursuant to Sections

66451.3 and 66452.5 of the Government Code, and you have the right to appear and the right to be heard at any such hearing.

\_\_\_\_\_  
(signature of owner or owner's agent)

\_\_\_\_\_  
(dated)

I have received this notice on \_\_\_\_\_ (date).

\_\_\_\_\_  
(prospective tenant's signature) "

(c) Failure by a subdivider or his or her agent to give the notice required in subdivision (a) shall not be grounds to deny the conversion. However, if the subdivider or his or her agent fails to give notice pursuant to this section, he or she shall pay to each prospective tenant who becomes a tenant and who was entitled to such notice, and who does not purchase his or her unit pursuant to subdivision (d) of Section 66427.1, an amount equal to the sum of the following:

(1) Actual moving expenses incurred when moving from the subject property, but not to exceed one thousand one hundred dollars (\$1,100).

(2) The first month's rent on the tenant's new rental unit, if any, immediately after moving from the subject property, but not to exceed one thousand one hundred dollars (\$1,100).

(d) The requirements of subdivision (c) constitute a minimum state standard. However, nothing in this subdivision shall be construed to prohibit any city, county, or city and county from requiring, by ordinance or charter provision, a subdivider to compensate any tenant, whose tenancy is terminated as the result of a condominium, community apartment project, or stock cooperative conversion, in amounts or by services which exceed those set forth in paragraphs (1) and (2) of that subdivision. If that requirement is imposed by any city, county, or city and county, a subdivider who meets the compensation requirements of the local ordinance or charter provision shall be deemed to satisfy the requirements of subdivision (c).

66452.18. (a) Pursuant to subparagraph (A) of paragraph (2) of subdivision (a) of Section 66427.1, the subdivider shall give notice 60 days prior to the filing of a tentative map pursuant to Section 66452 in the form outlined in subdivision (b), to each tenant of the subject property.

(b) The notice shall be as follows:

"To the occupant(s) of \_\_\_\_\_ (address):



The owner(s) of this building, at (address), plans to file a tentative map with the (city, county, or city and county) to convert this building to a (condominium, community apartment, or stock cooperative project). You shall be given notice of each hearing for which notice is required pursuant to Sections 66451.3 and 66452.5 of the Government Code, and you have the right to appear and the right to be heard at any such hearing.

\_\_\_\_\_  
(signature of owner or owner's agent)

\_\_\_\_\_  
(date) "

The written notices to tenants required by this section shall be deemed satisfied if such notices comply with the legal requirements for service by mail.

**66452.50.** (a) Notwithstanding any other provision of this division, a local agency may, upon application by a subdivider, in connection with the approval of a tentative or final map for the proposed construction of a condominium development, which requires the obtaining of a tentative or final map under provisions of this division or local ordinances enacted pursuant thereto, enter into a binding agreement with the subdivider mandating that the units be first made available for rental housing for a period of not less than 10 years from the date a certificate of occupancy has been issued for the units within the development; provided that (1) at the expiration of the 10-year period the units within the development may be sold to individual purchasers, in accordance with the approved final map authorizing the development without further proceedings under the provisions of this division or local ordinances enacted pursuant thereto, and (2), except as otherwise provided in subdivision (b), during the period the units are required to be made available for rental purposes, the units are insured or are to be insured or co-insured pursuant to the provisions of Chapter 4 (commencing with Section 51850) of Part 4 of Division 31 of the Health and Safety Code, and (3) each tenant of a unit within the development shall be given 180 days' written notice prior to actual conversion. Such notice shall include an offer of an exclusive right to contract for his or her respective unit upon the same terms and conditions that such unit will be initially offered to the general public or on terms more favorable to the tenant. The right shall run for a period of not less than 90 days from the date written notice of actual conversion was sent to the tenant.

Any such agreement shall be in writing, particularly describe the real property and set forth the name or names of the record title owner of the real property affected thereby, and be executed by the person authorized to act on behalf of the local agency and by the subdivider. From the date of execution of the agreement, it shall be binding upon the local agency, the subdivider, and their successors.

The fact that a condominium development is subject to such an agreement shall be set forth on the face of any tentative or final map approved by the local agency and the agreement shall be recorded in the office of the county recorder in the county in which the real property is located on or before the date of recordation of the final map.

(b) Multifamily rental housing financed on or after January 1, 1983, with the proceeds of sale of tax-exempt bonds sold pursuant to any laws of this state shall not be subject to the requirements of condition (2) prescribed in the first paragraph of subdivision (a), but shall be subject to all the requirements of the law pursuant to which the bonds are being issued, including, but not limited to, any requirement in such law that the housing be maintained as rental housing for a period in excess of 10 years.

66452.51. Prior to the acceptance of any rent or deposit from a prospective tenant, the following notice shall be provided:

To the prospective occupant(s) of \_\_\_\_\_(address):

The owner(s) of this building at (address), have received a tentative map with (city, county, or city and county) to convert this building to a (condominium, community apartment, or stock cooperative), no sooner than (date). You will be notified at least 180 days prior to the actual conversion. Further, if you still reside in your unit, you will be given an exclusive right to purchase your unit.

\_\_\_\_\_  
(signature of owner or owner's agent)

\_\_\_\_\_  
(dated)

I have received this notice on \_\_\_\_\_(dated).

\_\_\_\_\_  
(prospective tenant's signature)