

RECORDING REQUESTED BY:

When Recorded Mail To:

Name:

Mailing Address:

City, State and Zip Code:

Space above this line for Recorder's use only

RESTRICTIVE COVENANT MODIFICATION DOCUMENT
(Housing Development Covenant Modification)

The following referenced document contains one or more provisions that restrict or prohibit the residential use of the property; the number, size, or location of the residences that may be built on the property; or that restrict the number of persons or families who may reside on the property (each, a "Housing-Related Restrictive Covenant"), which provisions may not be enforceable against the owner of that certain Housing Development (as defined in Civil Code Section 714.6(j)(1)(A)) meeting the requirements of Civil Code Section 714.6 and which Housing Development is more specifically identified on the following documents, except as otherwise provided by Section 714.6. This document is being recorded solely for the purpose of providing notice that the document as shown on page(s) _____ of the document recorded on _____ (date) in book _____ and page _____, or as instrument number _____ of the official records of the County of Orange, State of California ("Restrictive Covenant") may not be enforceable as and to the extent, and for the duration, provided by Section 714.6.

Attached hereto is a copy of the Housing-Related Restrictive Covenant redacted. Any provision of a Housing-Related Restrictive Covenant not specifically made unenforceable by Section 714.6 shall remain in full force and effect notwithstanding any redactions shown thereon. In accordance with Section 714.6(f), this Restrictive Covenant Modification Document does not invalidate local building codes and does not authorize any development that is not otherwise consistent with the local general plan, zoning ordinances, and any applicable specific plan that apply to the housing development, including any requirements regarding the number of residential units, the size of residential units, and any other zoning restriction relevant to the housing development (inclusive of any bonus or incentive approved pursuant to any statute listed in Section 65582.1 of the Government Code or any related local ordinance).

This Restrictive Covenant Modification Document shall be indexed in the same manner as the original restrictive covenant document being modified. It shall contain a recording reference to the original restrictive covenant document, in the form of a book and page or instrument number, and date of the recording. The effective date of the terms and conditions of the modification document shall be the same as the effective date of the original restrictive covenant document, subject to any intervening amendments or modifications, except to the extent modified by the recorded modification document.

The Submitting Party certifies as follows:

1. The Property

Is the owned by an entity or individual;

OR

Is Controlled by an entity or individual as defined by Section 714.6(j)(1)(B).

2. Confirms that the Housing Development for which this Modification Document is sought is:

a 100% affordable Housing Development meeting the requirements of Section 714.6(j)(1)(A)(i-ii). A copy of the Permit Application as defined in Civil Code Section 714.6(j)(1)(B)(ii) has been provided and will be recorded together with this Restrictive Covenant Modification Document.

OR

the property is owned or controlled by an entity or individual that has submitted a complete development project application to redevelop an existing commercial property with a Housing Development that is not 100% affordable, and such Housing Development project includes residential uses permitted by state housing laws or existing local land use and zoning regulations pursuant to the requirements of Civil Code Section 714.6(j)(1)(A)(iii).

3. Confirms that the Housing Development for which this Modification Document is sought is not subject to any of the exemptions provided in Civil Code Sections 714.6(g)(h) or (i).

4. Confirms that the requested modification does not invalidate local building codes and does not authorize any development that is not otherwise consistent with the local general plan, zoning ordinances, and any applicable specific plan that apply to the housing development, including any requirements regarding the number of residential units, the size of residential units, and any other zoning restriction relevant to the housing development (inclusive of any bonus or incentive approved pursuant to any statute listed in Section 65582.1 of the Government Code or any related local ordinance)

By its signature below, the Submitting Party acknowledges that if the Submitting Party causes this Restrictive Covenant Modification Document to be recorded and if this modification is not authorized by Civil Code Section 714.6, the County of Orange shall not incur liability for recording the document, and Submitting Party agrees to indemnify and hold the County of Orange harmless. The liability that may result from the unauthorized recordation shall be the sole responsibility of the Submitting Party and/or the holder of the ownership interest of record who caused the unauthorized recordation.

I declare under penalty of perjury that the foregoing and all information hereon, including any accompanying statements and/or documents, is true and correct and I am legally authorized to submit this Restrictive Covenant Modification Document.

Signature of Submitting Party: _____ Date: _____

Printed Name: _____ (Submitting Party)

OFFICE OF COUNTY COUNSEL DETERMINATION

The Office of the Orange County Counsel hereby states that:

It has determined, per Civil Code Section 714.6(b)(2)(B) and (C), that all of the following requirements have been satisfied, and this Restrictive Covenant Modification Document shall be recorded: (a) based on the information submitted, the original Restrictive Covenant document restricts the property in a manner prohibited by Section 714.6(a); (b) the owner has submitted documents sufficient to establish that the property qualifies as a Housing Development under Section 714.6(j)(1)(A), as more specifically identified by the Submitting Party; (c) any and all notices required under Section 714.6 have been provided; and (e) the owner of the Housing Development is the current record title owner of the property as required prior to recordation of the Restrictive Covenant Modification Document by Section 714.6(b)(2)(E);

It has determined, per Section 714.6(b)(2)(B) and (C), that each of the foregoing statutory requirements stated in clauses (a)-(d) have been satisfied, but this Restrictive Covenant Modification Document **shall not yet be recorded** because the owner of the Housing Development is not yet record title owner of the property. The Submitting Party shall not record the Restrictive Covenant Modification Document until after the Submitting Party closes escrow on the property and becomes its record title owner.

It has determined, per Section 714.6(b)(2)(E), that this Restrictive Covenant Modification Document may **not** be recorded because: (a) it contains modifications not authorized; (b) the original document does not contain a prohibited housing restriction; and/or (c) the property or development does not qualify as a Housing Development under Section 714.6; OR

It has determined that it is unable to make the statutory determinations above based on the information provided, and this Restrictive Covenant Modification Document may **not** be recorded.

Approved: County of Orange County Counsel or Designee

Signed: _____ Date: _____
By: _____,
Deputy County Counsel/Designee