



Application for MELLO ACT DETERMINATION OF AFFORDABLE UNITS DEMOLITION AND/OR CONVERSION

In order to receive approval for a demolition or conversion permit, the project owner must comply with California Government Code Sections 65590 and 65590.1, commonly known as the 1982 Mello Act. The Mello Act is a statewide law which seeks to preserve housing for persons and families with low and moderate incomes in California's Coastal Zone.

The City of Los Angeles examines all Coastal Zone development involving residential units that are not categorically exempt. The current condition of the housing has no bearing on an affordability determination unless the property is legally declared a public nuisance. Public nuisance is one type of exemption; the second is a small new housing development (9 or fewer Residential Units, and only provides exemption for inclusionary units, not replacement units); the third is an owner-occupied, single family dwelling being demolished/converted into a single family dwelling for occupancy by the same owner. Exemptions can only be granted by the Department of City Planning (DCP). All other projects must be evaluated by the Los Angeles Housing Department (LAHD).

The first step in meeting Mello Act obligations is to consult with the DCP to verify if the project is exempt. If the DCP determines that a Mello Act Determination of Affordable Units (Mello Determination) is needed, the owner will be given a Mello Act Advisory Notice and Screening Checklist for Coastal Zone Projects form with a DCP Case Number assigned. Applicants referred to LAHD are presumed to have been vetted by the DCP and are not exempt. The Applicant must complete LAHD's Application for a Mello Determination (Mello Application). LAHD will then conduct its review of potential affordable units. Affordability is measured by both: (1) rental history for the previous three years, and (2) the income level of any current residents. The property's affordability status must be documented by one of LAHD's Mello Act Analysts. Unless the unit has been unoccupied for more than 365 consecutive days prior to the Applicant's filing with the DCP, the Mello Act Analyst will require information about the property for the three (3) years prior to the date of the application with DCP for discretionary cases, or the date of the Building Permit Application for non-discretionary cases. A unit shall not be considered affordable if it has been unoccupied for more than 365 consecutive days prior to the application's filing. The owner has the burden of proving long-term vacancy.

It is the Applicant's responsibility to provide documentation verifying the project's rental history. Failure to provide sufficient documentation within 30 days of the Mello Application date may result in LAHD issuing an inconclusive Mello Determination.

This information, along with information provided by any existing tenants, will be used to determine if affordable units currently exist and need to be replaced. Tenant information can take 30 days to receive and process. A Mello Determination will be given to the DCP concerning the conditions which must be met prior to granting a building permit on the project. If the DCP determines that replacement units must be provided, the Applicant must submit an Affordable Housing Provision Plan to LAHD specifying how this will be done, and receive LAHD's approval.

IMPORTANT: Please be advised there will be no redo of Mello Determinations where affordable units have been determined to exist. Mello Determinations where no affordable units have been determined to exist will expire five (5) years from the date on the determination. After expiration, a new Mello Determination will be required.

It takes approximately 8 – 12 weeks upon receipt of all the required documents to review and evaluate the Mello Application, although a complex project may take longer. Please keep this in mind when planning your timeline. For additional questions about the Mello Act, please contact the Los Angeles Housing Department at (213) 808-8893 or lahd-landuse@lacity.org.

**MELLO ACT DETERMINATION OF AFFORDABLE UNITS APPLICATION
DEMOLITION AND/OR CONVERSION**

To receive a Mello Determination, please complete the following, and attach requested documentation and information. Please attach an explanation for any information you are unable to provide. Please put project address at the top of all attachment pages submitted.

City Planning Mello Act Advisory Notice and Screening Checklist for Coastal Zone Projects (Note: LAHD will not process application unless required by City Planning)

Property Owner

Name:		Contact Person:
Address:		
Phone:	Cell:	Email:

Owner Representative

Name:		Title:
Address:		
Phone:	Cell:	Email:

Applicant (if different from Owner)

Name:		Contact Person:
Role in Property:	Address:	
Phone:	Cell:	Email:

Description of proposed demolition or conversion

Building Permit Application Number(s):
If no Building Permit Application, please explain:
City Planning Dept. Case #(s) and Tentative Tract #(s):

Property (include all buildings in complex - attach additional pages if needed)

APN(s):	
Lot Number(s):	
Does this property have a Certificate of Occupancy issued on or before October 1, 1978?	
Building Address:	# of Units in Building
Add Total Units in Complex:	

Required Attachments

Owner's Affidavit or Applicant's Affidavit and Owner's Acknowledgement (must be signed by owner of record on the grant deed).

Department of City Planning (DCP) Mello Act Advisory Notice and Screening Checklist for Coastal Zone Projects (Note: LAHD will not process application unless required by DCP).

List of units in each building, including unit #, unit square footage, and number of bedrooms.

Rental information for each unit:

- Tenant name(s), contact information and family size(s).
- **Monthly** rental information for the three (3) years prior to application with DCP, including lease agreement(s) and copies of canceled checks.

Owner occupancy proof:

- All copies of the owner's driver's license(s), car registration and property tax bills for the period of owner occupancy within our 3 year look back period. Upon review of the documents initially provided, LAHD may request additional information/documentation.

Vacancy proof:

- **Bimonthly** copies of DWP bills for one (1) year prior to application with DCP.

List of all evictions in last three (3) years, including tenant name, unit #, move out date, and tenant's current contact address, phone number and email. Include eviction notices.

Grant Deed(s) (current grant deed, and all grant deeds recorded for the past three (3) years).

Current Ownership Documents:

If LLC - Articles of Organization, Statement of Information and Operating Agreement.

If LP - Certification of Limited Partnership and Limited Partnership Agreement.

If Corporation - Executed Board Resolution establishing signatory authority for Mello App.

If Trust - Trust documents.

Ellis documents, tenant relocation documents, if under Rental Stabilization Ordinance (RSO)

City Planning Determination and/or Vesting/Tentative Tract Letters, if project has one

Date: _____
_____ Signature of Owner
<i>Under penalty of perjury, I certify that the information presented in this application is true and accurate to the best of my knowledge. Title 18, Section 1001 of the U.S. Code states that a person is guilty of felony for knowingly and willingly making false or fraudulent statements to any department of the United States Government.</i>

IMPORTANT: Please be advised there will be no redo of Mello Determinations where affordable units have been determined to exist. Mello Determinations where no affordable units have been determined to exist will expire five (5) years from the date on the determination. After expiration, a new Mello Determination will be required.

At the current time there is no in-lieu fee option.

Please **mail and email** to: Los Angeles Housing Department
ATTN: Land Use Section (Mello)
1910 Sunset Boulevard, Suite 300
Los Angeles, CA 90026
Email: lahd-landuse@lacity.org

All documentation must be received within 30 days of the Mello Application date. For additional questions, please contact LAHD at (213) 808-8893 or lahd-landuse@lacity.org.

Date: _____

To: Los Angeles Housing Department (LAHD)
ATTN: Land Use Section - Mello
1910 Sunset Boulevard, Suite 300
Los Angeles, CA 90026

Re: _____
Address (including apartment or unit number/s)

(All APN Numbers)

OWNER'S AFFIDAVIT
(Use when owner is the applicant)

[circle one: a LLC, LP, corporation,
other: _____] ("Owner") hereby certifies that:

- (1) Owner is the legal owner of the above-referenced real property ("Property"); and
- (2) That the person(s) identified below ("Authorized Signatory/ies") has/have been legally authorized to sign on its behalf as evidenced by the separate instrument(s) attached herewith; and
- (3) The documents furnished to LAHD in conjunction herewith, represent the full and complete information required for the Replacement Unit Determination requested for the Property and that the facts, statements and information presented are true and correct to the best of its knowledge and belief.

Owner declares under penalty of perjury under the State of California that the foregoing is true and correct.

***Attach California Notary Public Acknowledgement**

Executed on _____ at _____, California
(Date) (City)

Print Full Name of Authorized Signatory/ies: _____

Signature of Authorized Signatory/ies: _____

(additional signature lines may be added as needed)

Date: _____

To: Los Angeles Housing Department (LAHD)
ATTN: Land Use Section - Mello
1910 Sunset Boulevard, Suite 300
Los Angeles, CA 90026

Re: _____
Address (including apartment or unit number/s)

(All APN Numbers)

APPLICANT’S AFFIDAVIT AND OWNER’S ACKNOWLEDGMENT
(Use when Applicant and Owner are separate entities)

[circle one: an LLC, LP, corporation,
other: _____ (“Applicant”) hereby certifies that:

(1) Applicant is the potential future developer of the above-referenced real property (“Property”) owned by _____ [circle one: an LLC, LP, corporation,
other: _____ (“Owner”); and

(2) That the person(s) identified below (“Authorized Signatory/ies”) has/have been legally authorized to sign on Owner’s behalf as evidenced by the separate instrument(s) attached herewith; and

(3) The documents furnished to LAHD in conjunction herewith, represent the full and complete information required for the Affordable Unit Determination requested for the Property and that the facts, statements and information presented are true and correct to the best of its knowledge and belief.

Applicant declares under penalty of perjury under the State of California that the foregoing is true and correct.

***Attach California Notary Public Acknowledgement**

Executed on _____ at _____, California
(Date) (City)

Print Full Name of Authorized Signatory/ies: _____

Signature of Authorized Signatory/ies: _____

(additional signature lines may be added as needed)

OWNER'S ACKNOWLEDGMENT:

Owner and/or Applicant must also attach hereto:

A letter from the Owner [on business letterhead as applicable] to the City, attesting to ownership of the Property and confirming that Applicant is the potential future developer of the Property, that Owner is aware of, has no objections to, and authorizes the Applicant to submit a Mello Determination Application to LAHD for its Property.

- If the Owner is an LLC, the letter must be signed by all Managers or Managing Members.
- If the Owner is a LP, the letter must be signed by all General Partners.
- If the Owner is a Corporation, the letter must be signed by the CEO and Secretary or Chief Financial Officer.

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

CIVIL CODE § 1189



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 _____)

On _____ before me, _____,
Date Here Insert Name and Title of the Officer

personally appeared _____
Name(s) of Signer(s)

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 _____
Signature of Notary Public

Place Notary Seal Above

OPTIONAL

Though this section is optional, completing this information can deter alteration of the document or fraudulent reattachment of this form to an unintended document.

Description of Attached Document

Title or Type of Document: _____ Document Date: _____

Number of Pages: _____ Signer(s) Other Than Named Above: _____

Capacity(ies) Claimed by Signer(s)

Signer's Name: _____

Corporate Officer — Title(s): _____

Partner — Limited General

Individual Attorney in Fact

Trustee Guardian or Conservator

Other: _____

Signer Is Representing: _____

Signer's Name: _____

Corporate Officer — Title(s): _____

Partner — Limited General

Individual Attorney in Fact

Trustee Guardian or Conservator

Other: _____

Signer Is Representing: _____

