



Deed Restriction Instructions for a Junior Accessory Dwelling Unit (JADU) in a Single-Family Home

**Community & Economic
Development Department
Planning Division**

P.O. Box 642

Modesto, California 95354

Phone: 209-577-5267

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This deed restriction is a requirement for approval of a junior accessory dwelling unit (JADU) within a single-family home pursuant to Section 65852.22 of the California Government Code and Section 10-4.508 of the Modesto Municipal Code. Upon recordation, it informs future property owners of the applicable restrictions related to such JADUs.

It is the responsibility of the current property owner to fulfill this condition, which requires completing the following steps:

1. Obtain a copy of the current deed, either from the owner's records, or from the County Clerk-Recorder's Office. Note precisely how the owners' names are printed on the document.
2. Get a deed restriction form, available from the Planning Division's webpage, <https://www.modestogov.com/1561/Planning-Forms-and-Applications>
Forms for recording have to be single-sided. If you do not have internet access, contact the Planning Division at 209-577-5267 for blank forms.
3. Enter the appropriate information on the printed form:
 - Recording Requested By- The name of the person requesting the recording.
 - When Recorded Mail To This Address- The address where the original will be mailed after recording.
 - Property Owner- List all owners of the property where the JADU will be located exactly as they are named on the deed.
 - Property Address- The address of the property where the JADU will be located.
 - Assessor's Parcel Number (APN)- APN of the property where the JADU will be located.
4. Attach the deed to the back of the two-page form.
5. All owners of the property must sign the form and have it notarized by a notary public.
6. Make one photocopy of the complete notarized document. You may wish to make an additional copy for your records.
7. Take the original and photocopy to the County Clerk-Recorder's Office, 1021 I Street. Tell the Clerk-Recorder's Office you would like to record a deed restriction for your property, and that you would like a Conformed Copy. Give the Clerk-Recorder's Office the notarized document and the photocopy. A recording fee, determined by the Clerk-Recorder's Office, will apply.
8. Once the Clerk-Recorder's Office gives you a Conformed Copy, submit the Conformed Copy to the Modesto Planning Division as evidence that the deed restriction has been recorded. Your building permit cannot be signed off until this document copy has been received.

Note: If you propose a JADU on a property that is owned by a governmental agency, a land trust, or a housing organization, please provide the Planning Division with documentation. Owner-occupancy is not required for properties owned by these entities. Deed restrictions prohibiting separate sale and restricting size and attributes are still required. The Planning Division will provide a different declaration of deed restriction than the one on the next page.

RECORDING REQUESTED BY :

WHEN RECORDED MAIL TO THIS
ADDRESS:

Recorded pursuant to Government Code Sections 27280 and 65852.22, and Modesto Municipal Code Title 10, Chapter 4, Article 5, Section 08.

DECLARATION OF DEED RESTRICTION REGARDING JUNIOR ACCESSORY DWELLING

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

Property Address & Assessor's Parcel Number: _____

RECITALS

Whereas, Property Owner is the present owner of certain real property located in the City of Modesto, County of Stanislaus, State of California, located at _____ [address], Assessor's Parcel Number _____, and which is more particularly described in the deed attached hereto and made a part hereof.

Whereas, the term "Property Owner" includes all persons, corporations or organizations with any record title interest in the Property and all heirs or beneficiaries named in a valid declaration of trust holding title to the Property.

Whereas, Property Owner and/or persons acting on behalf of Property Owner proposes to construct a junior accessory dwelling unit within a single-family residence or to convert part of an existing single-family residence to a junior accessory dwelling unit.

Whereas, Government Code Section 65852.22 establishes requirements for junior accessory dwelling units, including an owner-occupancy requirement and recordation of a deed restriction.

Whereas, City of Modesto Municipal Code, Title 10, Chapter 4, Article 5, Section 08 also requires junior accessory dwelling units to comply with various requirements, including but not limited to owner-occupancy.

NOW, THEREFORE, Property Owner hereby declares as follows:

1. This instrument is a deed restriction in compliance with Government Code Section 65852.22 and the City of Modesto Zoning Ordinance.

2. As a condition of approval for Property Owner's construction of a junior accessory dwelling unit within a single-family residence or conversion of a portion of an existing single-family residence to a junior accessory dwelling unit, Property Owner agrees to comply with all of the following requirements:

- a. Property Owner shall reside in the single-family residence in which the junior accessory dwelling unit is permitted, either in the junior accessory dwelling unit or in the remaining portion of the structure;
- b. The junior accessory dwelling unit shall not be sold separately from the single-family residence; and
- c. The size and attributes of the junior accessory dwelling unit shall conform with Government Code section 65852.22 and any other applicable state and local laws, regulations, and ordinances applicable to junior accessory dwelling units.

3. This deed restriction is appurtenant to and shall run with the land and shall bind and inure to the benefit of the heirs, personal representatives, successors and assigns of Property Owner.

4. 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.

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

Property Owner

Signature

Date

Name/Title as appears on deed

Signature

Date

Name/Title as appears on deed

[Property deed must be attached. All signatures must be notarized.]