RECORDING REQUESTED BY
AND WHEN RECORDED MAIL TO:

Tahoe Regional Planning Agency
Attn: Theresa Avance
P.O. Box 5310
Stateline, NV 89449

TRPA File No. _____

DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS
AFFORDABLE INCOME HOUSING ("DEED RESTRICTION")
TO BE RECORDED AGAINST APNS XXX-XXX-XX

This Deed Restriction is made as of the ___ day of _____ 20___, by _____ (hereinafter "Declarants").

RECITALS

A. Declarants are the owners of that certain real property located at _____, _____ County, State of _____, commonly known as Assessor's Parcel No. _____, and more particularly described in the attached Exhibit A (the "Property").

The Grant Deed conveying the Property to Declarant was recorded on _____, as Document No. _____, in the _____ County Recorder's Office.

B. The Property is located in the Tahoe Region as described in the Tahoe Regional Planning Compact (P.L. 96-551, State. 3233, 1980), which region is subject to the regional plan and the ordinances adopted by the Tahoe Regional Planning Agency ("TRPA") pursuant to the Tahoe Regional Planning Compact.

C. Declarants received approval from TRPA on _____ (TRPA File No. _____), to _____ (on that certain real property formerly known as Assessor's Parcel No. _____), subject to a special condition that _____ of the _____ residential units be deed restricted as affordable housing units.

D. For purposes of this deed restriction Affordable Housing is defined as:

Residential housing, deed-restricted to be used exclusively for lower-income households (income not in excess of 80 percent of the respective county's median income) and for very low-income households (not to exceed 50 percent of the respective county's median income). Such housing units shall be made available to individuals whose median income does not exceed the recommended state and federal standards. Each county's median income shall be determined according to the income limits published annually by the US Department of Housing and Urban Development and, if applicable, the California Department of Housing and Community Development. [Amended 10/24/18]

DECLARATION

1. Declarants hereby declare that, for the purpose of partially satisfying TPRA's (DATE)_____ conditions of approval, the (#)_____ residential unit(s) on the Property shall be permanently restricted to Affordable Housing and shall not be used as a second home or vacation rental.

2. The restrictions associated with the Property shall be disclosed at the time of sale of the Property.

3. The owner of the Property shall submit an annual compliance report to TRPA. Failure to submit the required report may result in an annual fine of up to 1/10 of the current cost of a bonus unit.

4. An owner-occupant of a Property who has provided all required annual compliance reports and who has had an increase in income so that they no longer meet the income eligibility requirements for affordable housing may apply to TRPA and receive an exemption to the income requirement until the unit is sold. To receive the exemption, the owner must either continue to be the occupant and provide annual compliance reports to remain eligible for the exemption and not be subject to the annual fine; or rent the unit only to an income qualified renter if no longer the occupant. When the unit is sold it may only be sold to an income qualified buyer.

5. This Deed Restriction shall be deemed a covenant running with the land or an equitable servitude, as the case may be, and shall be binding on the Declarants and Declarants' assigns, and all persons acquiring or owning any interests in the Property.

6. This Deed Restriction may not be revoked or modified without the prior express written and recorded consent of the Tahoe Regional Planning Agency or its successor agency, if any. TRPA is deemed and agreed to be a third party beneficiary of this Deed Restriction, and as such, can enforce the provisions of this Deed Restriction.

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IN WITNESS WHEREOF, Declarants have executed this Deed Restriction this the day and year written below.

Declarant's Signature:

_____ Dated: _____

Name, Title
Ownership Entity

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)
) SS.
COUNTY OF)

On _____ before me, _____ a Notary Public, personally appeared _____, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of _____ that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature: _____ (Seal)

Name: _____

(typed or printed)

APPROVED AS TO FORM:

_____ Dated: _____
Tahoe Regional Planning Agency

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 NEVADA)
) SS.
COUNTY OF DOUGLAS)

On _____ before me, _____ a Notary Public, personally appeared _____, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of Nevada that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature: _____ (Seal)

Name: _____

(typed or printed)

RECORDING REQUESTED BY
AND WHEN RECORDED MAIL TO:

Tahoe Regional Planning Agency
Attn: Theresa Avance
P.O. Box 5310
Stateline, NV 89449

TRPA File No. _____

AMENDED AND RESTATED
DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS
FOR MODERATE INCOME HOUSING ("DEED RESTRICTION")
TO BE RECORDED AGAINST APN XXX-XXX-XXX

This Deed Restriction is made this _____ day of _____, 20XX by _____ (hereinafter referred to as "Declarant").

RECITALS

A. Declarants are the owners of that certain real property located at _____, _____ County, State of _____, commonly known as Assessor's Parcel No. _____, and more particularly described in the attached Exhibit A (the "Property").

The Grant Deed conveying the Property to Declarant was recorded on _____, as Document No. _____, in the _____ County Recorder's Office.

B. The Property is located in the Tahoe Region as described in the Tahoe Regional Planning Compact (P.L. 96-551, State. 3233, 1980), which region is subject to the regional plan and the ordinances adopted by the Tahoe Regional Planning Agency ("TRPA") pursuant to the Tahoe Regional Planning Compact.

C. Declarants received approval from TRPA on _____ (TRPA File No. _____), to _____ (on that certain real property formerly known as Assessor's Parcel No. _____), subject to a special condition that _____ of the _____ residential units be deed restricted as moderate income housing units.

D. The conditions of the above approval required that Declarant record a deed restriction permanently restricting the ___ residential units as moderate income housing. For purposes of this deed restriction, and consistent with Chapter 90 of the TRPA Code of Ordinances, Definitions, Moderate Income Housing is defined as:

Moderate Income Housing:

Residential housing, deed restricted to be used exclusively as a residential dwelling by permanent residents with an income not in excess of 120 percent of the respective county's median income. Such housing units shall be made available for rental or sale at a cost that does not exceed the recommended state and federal standards. Each county's median income will be determined according to the income limits published annually by the Department of Housing and Urban Development.

E. Said deed restriction was recorded as document number _____ on _____, 20__ in the Office of the _____ County Recorder.

DECLARATIONS

1. Declarant hereby declares that, for the purpose of satisfying TRPA's _____, 20XX conditions of approval, the ____ residential units located on the Property identified herein shall always be treated as moderate income housing, as defined above.

2. The restrictions associated with the Property shall be disclosed at the time of sale of the Property.

3. The owner of the Property shall submit an annual compliance report to TRPA. Failure to submit the required report may result in an annual fine of up to 1/10 of the current cost of a bonus unit.

4. An owner-occupant of a Property who has provided all required annual compliance reports and who has had an increase in income so that they no longer meet the income eligibility requirements for moderate income housing may apply to TRPA and receive an exemption to the income requirement until the unit is sold. To receive the exemption, the owner must either continue to be the occupant and provide annual compliance reports to remain eligible for the exemption and not be subject to the annual fine; or rent the unit only to an income qualified renter if no longer the occupant. When the unit is sold it may only be sold to an income qualified buyer.

5. The owner of the parcel shall restrict the unit for which the bonus unit was awarded from being used as a second home or a vacation rental.

6. This Deed Restriction shall be deemed a covenant running with the land, or an equitable servitude, as the case may be, and shall be binding on the Declarant and Declarant's assigns, and all persons acquiring or owning any interest in the property.

7. This Deed Restriction may not be modified or revoked without the prior express written and recorded consent of the TRPA or its successor agency, if any. TRPA shall be deemed

and agreed to be a third party beneficiary of this Deed Restriction, and as such, can enforce the provisions of this Deed Restriction.

RECORDING REQUESTED BY
AND WHEN RECORDED MAIL TO:

Tahoe Regional Planning Agency
Attn:
P.O. Box 5310
Stateline, NV 89449

TRPA File No. _____

DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS
ACHIEVABLE HOUSING ("DEED RESTRICTION")
RECITALS
APN: XXX-XXX-XX

A. Declarants are the owners of that certain real property located at _____, _____ County, State of _____, commonly known as Assessor's Parcel No. _____, and more particularly described in the attached Exhibit A (the "Property").

The Grant Deed conveying the Property to Declarant was recorded on _____, as Document No. _____, in the _____ County Recorder's Office.

B. The Property is located in the Tahoe Region as described in the Tahoe Regional Planning Compact (P.L. 96-551, State. 3233, 1980), which region is subject to the regional plan and the ordinances adopted by the Tahoe Regional Planning Agency ("TRPA") pursuant to the Tahoe Regional Planning Compact.

C. Declarants (or their predecessors in interest) received approval from TRPA on _____ (TRPA File No. _____), to _____ (on that certain real property formerly known as Assessor's Parcel No. _____), subject to a special condition that _____ of the _____ residential units be deed restricted as Achievable housing units.

D. Declarants expressly acknowledge a prior Deed Restriction recorded against the Property on [Date] as Document Number [XXX], in the [County] County Office of County Recorder ("Deed Restriction"). Declarants have requested that TRPA amend the Deed Restriction to reflect the definition of "achievable" as amended into the TRPA Code of Ordinances and effective on June 26, 2023 as follows:

For purposes of this Amended Deed Restriction, Achievable Housing is defined as:

Single or multi-family residential development to be used exclusively as a residential dwelling by permanent residents who meet one or more of the following criteria:

1. Have a household income not in excess of 120 percent of the respective county's area median income (AMI) (moderate income households and below) and, if purchasing the home, whose household assets do not exceed two times the annual household income for the respective AMI category and household size; the county's area median income will be determined according to the income limits published annually by the Department of Housing and Urban Development; or

2. At least one occupant of the household works at least 30 hours per week or full-time equivalency for an employer with a business license or tax address within the Tahoe region or Tahoe-Truckee Unified School District (TTUSD), including but not limited to public agencies and not-for-profit employers, and which requires the employee's physical presence within the boundaries of the Tahoe region or TTUSD in order to complete the task or furnish the service for an average of at least 30 hours per week on an annual basis, or seasonal basis for seasonal work. Full-time equivalency may be confirmed by employer; or

3. Is a retired person who has lived in a deed-restricted unit in the Tahoe Basin for more than seven years.

E. **Occupancy Restriction**. Achievable housing shall be occupied by households that meet one or more of the criteria in D, above. The employment requirement in D. for occupants with incomes over 120 percent of AMI may be waived for accessory dwelling units when the unit is occupied by a family member related by birth, marriage or adoption to the owner of the primary dwelling.

F. **Household Assets.** Household Assets include the sum of all real and personal property, including money, stocks, bonds, precious metals, rare collectibles and bank accounts, and other items of value owned or controlled by all persons in the household at the time of initial purchase of a unit, but not including domestic household items (e.g., clothing, furniture and household appliances) or including retirement accounts, health savings accounts and college savings accounts. The household asset limit applies only to a household who is qualifying for the deed-restriction under paragraph E.2, above (income not in excess of 120% of AMI).

G. **Permanent Resident(s).** Permanent resident(s) shall mean that the occupants are using the residence as the primary residence, which shall be determined by TRPA taking into account the following circumstances:

i. Voter Registration.

ii. Stated address on Nevada or California Driver's License or Identification Card;

iii. Stated address on motor vehicle registration;

iv. Stated residence for income and tax purposes;

v. Such other circumstances as well as such processes for verification and investigation deemed appropriate by TRPA in determining the applicant is continuously occupying and using the residence as a primary residence; and

vi. Permanent residence status may be maintained if circumstances that are unforeseen or beyond the control of the resident arise that requires the household to temporarily leave the residence for a period not to exceed six (6) months with the intent to return, and the residence is leased to another household that meets the "achievable housing" qualifications.

DECLARATION

1. Declarants hereby declare that, for the purpose of partially satisfying TRPA's (DATE)_____ conditions of approval, the (#)_____ residential unit(s) on the Property shall be permanently restricted to Achievable Housing and shall not be used as a second home or a vacation rental.

2. The restrictions associated with the Property shall be disclosed to the buyer at the time of sale of the Property, through a Real Estate Disclosure form, a copy of which shall also be filed with the Tahoe Regional Planning Agency within three (3) calendar days of opening escrow. The Deed-Restriction Disclosure form may be filed electronically via the TRPA's Citizen Access Database: https://aca-prod.accela.com/TRPA/Default.aspx, or by contacting TRPA if the aforementioned link is outdated.

3. Owner covenants that any lease of the Property shall include a reference that such lease is subject to the terms and conditions of this Deed Restriction, including but not limited to restrictions on the use of the occupancy of the Property and lessee cooperation in providing required documentation to TRPA to verify that the lessee is a qualified renter.

4. The owner of the Property shall submit an annual compliance report to TRPA. Failure to submit the required report may result in an annual fine of up to 1/10 of the current cost of a residential unit of use. TRPA may conduct an audit at any time requesting additional documentation to verify the responses submitted in the compliance report. Failure to comply with the requirements of this deed-restriction may result in a civil penalty of up to $5,000 per day for each day the violation persists.

5. It shall not be deemed a violation of Section 4 above if:

   i. The head of household or individual relied upon for qualification becomes disabled and is no longer able to work as determined by TRPA in its sole discretion; or

   ii. The head of household or individual relied upon for qualification has lost full-time employment and is actively seeking reemployment in the Tahoe region or Tahoe-Truckee Unified School District as determined by TRPA in its sole discretion; or

IN WITNESS WHEREOF, Declarants have executed this Deed Restriction this the day and year written below.

Declarant's Signature:

_____ Dated: _____

Name, Title
Ownership Entity

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)
) SS.
COUNTY OF)

On _____ before me, _____ a Notary Public, personally appeared _____, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of _____ that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature: _____ (Seal)

Name: _____

(typed or printed)

APPROVED AS TO FORM:

_____ Dated: _____

Tahoe Regional Planning Agency

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STATE OF NEVADA)
) SS.
COUNTY OF DOUGLAS)

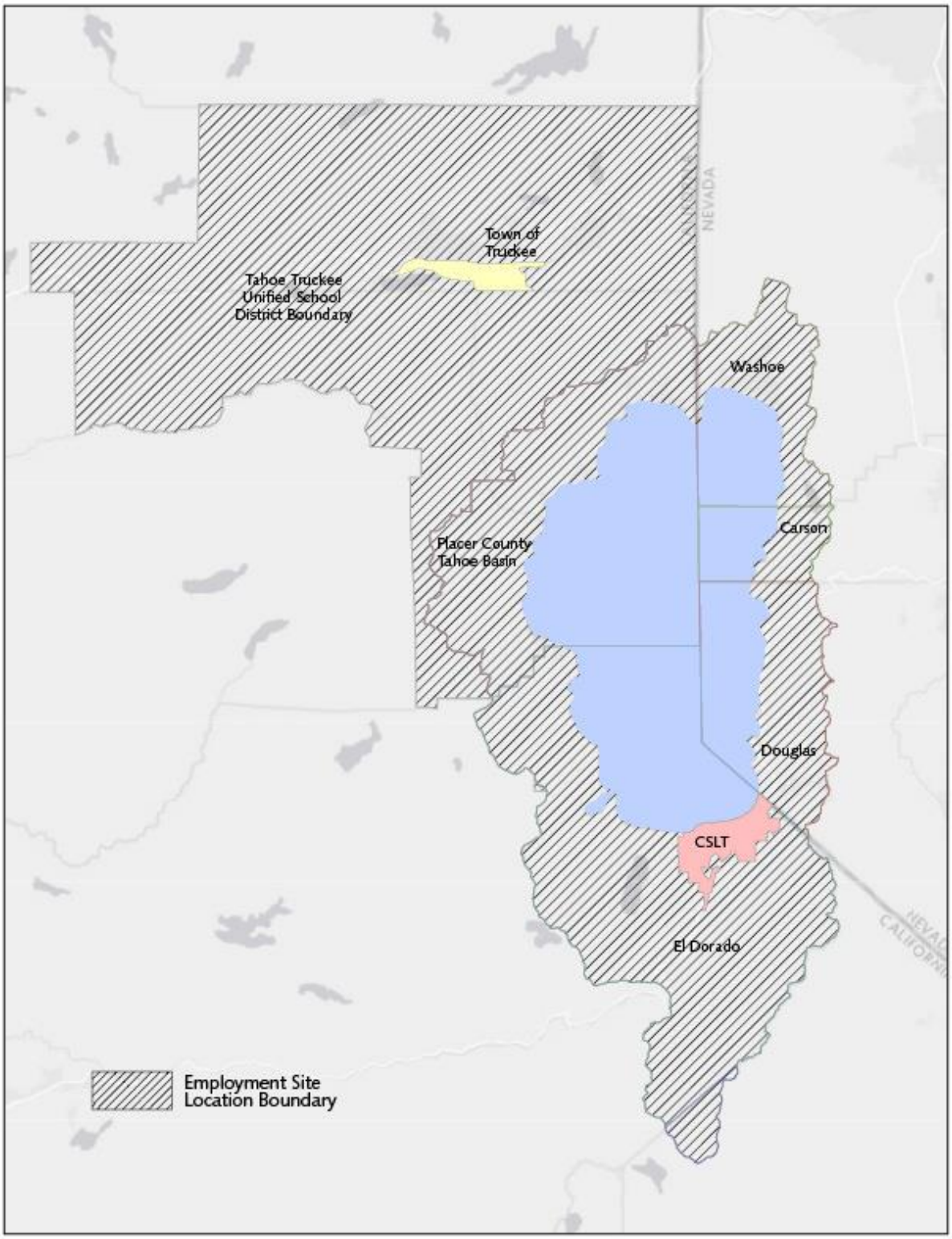
On _____ before me, _____ a Notary Public, personally appeared _____, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of Nevada that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature: _____ (Seal)

Name: _____

(typed or printed)

Attachment - Map of Proposed Boundary for Employment Location Eligibility