**Deed Restriction – Draft Guidance for Applicants**

**Last Updated: 9/30/2024**

**Identify What Documents Apply**

* Notify your caseworker if you have any mortgage or deeds of trust against the property. If so, you will need to record and submit a Subordination Agreement. If you don’t know the book or page number, they can be left blank if the instrument number is included.
* Notify your caseworker if you have any ground lease agreements with a City agency, e.g. MOHCD. If so, a template with specific language for this condition will be used.

**Document Drafting and Reviews and Recording**

* Caseworker will provide .WORD templates for a Deed Restriction and Subordination Agreement.
* Complete a Subordination Agreement for each mortgage or deeds of trust against the property. If you don’t know the book or page number, they can be left blank if the instrument number is included.
* All changes to the template must be recorded in Track-Changes
* Applicant will modify the templates to match site-specific project and property information.
* Qualified person (consultant) will modify the templates to match the site-specific conditions and appropriate controls.
* Owner’s legal counsel should review for acceptance. Note: San Francisco does not substantially negotiate the terms of these documents.
* Applicant provides caseworker the modified templates and planned exhibits.
* Caseworker reviews with input from City Attorney and provides comments for any revision.
* Once caseworker receives documents with no further comments for revision, caseworker will accept all changes, add any approval dates, and provide to the applicant a .PDF version of the documents which are Approved as to Form by the City Attorney.
* Applicant will print the Approved as to Form documents. See printing requirements below.
* Applicant will have the property owner provide a notarized signature.
* Applicant will then request an appointment with the caseworker to have a notary bring the notarized documents to 49 S Van Ness. [Check for Permit Center operating hours.](https://www.sf.gov/location/san-francisco-permit-center)
* The appointment will be held at:

[City and County of San Francisco Permit Center](https://maps.app.goo.gl/72gtpn4RjBcVTcir8)

49 S Van Ness

2nd Floor, Counter #82

San Francisco, CA 94103

* Confirm with your caseworker what you plan to bring:
  + Covenant and Environmental Restriction (the version attached) that is:
    - Approved as to form by deputy city attorney
    - Signed by Covenantor with notarized signature
    - Complete with all exhibits, including legal description; figure of site; site data; Cap Maintenance Plan; or Operations, Maintenance, and Monitoring Plan, as appropriate to your case
  + Subordination Agreement, signed and notarized, if applicable.
  + Any other documents requested by your caseworker.
* Upon arrival, notify our DPH counter staff know you are here for an appointment with your caseworker, and reference your site address and SMED number. Counter staff will notify the case worker of your arrival.
* Caseworker will confirm the correct documents and signatures are present, and upon approval will have the Director of Environmental Health provide a notarized signature.
* Notary then takes the signed documents to the Recorder’s Office to record. [Check for operating hours](https://www.sfassessor.org/) or make an appointment:

[City and County of San Francisco Office of the Assessor-Recorder](https://maps.app.goo.gl/DogGqAw9iXzysUFB9)

1 Dr. Carlton B. Goodlett Place

City Hall, Room 190San Francisco, CA 94102

* Once recorded, send the caseworker an electronic copy if the Deed Restriction, and Subordination Agreement if applicable.
* From there, caseworker may advance the case to the next step (e.g. sign-off on TCO or CFCO, or issue NFA letter, etc.)

**Printing**

* All pages must be printed 8.5 x 11
* All pages must be black and white
* Other sized pages, including 11 x 17 or folded pages are not acceptable for recording.
* All pages must be legible upon printing and scanning.

**Signatures**

* Signatures of the property owner, lender (if applicable) and the Director of Public Health must be notarized.
* Recording must include wet signatures from the owner, lender (if applicable), the Director of Public Health, and their notaries.
* Signatures may be included on separate pages.
* The CAO approval-as-to-form signature may be a copy or electronic.