



Ellis Filing Procedures

- Step 1:** Owner serves tenants with notices of termination of tenancies requiring the tenants to quit the premises on the effective date of withdrawal, which is 120 days after the Notice of Intent is filed with the Rent Board (Step 2). The notice of termination must inform tenants of the right to relocation assistance, one-half of which must be paid at the time of service of the notice of termination. (The required relocation payments are set forth in the attached Relocation Payments Due Tenants Evicted Under the Ellis Act.)
- Step 2:** Owner files Notice of Intent To Withdraw Rental Units with the Rent Board.
- Step 3:** Within fifteen (15) days of filing Notice of Intent (Step 2), owner informs tenants that the Notice of Intent was filed with the Rent Board, that the tenants have certain reoccupancy and relocation assistance rights, and that elderly or disabled tenants who have lived in the unit for at least one year have the right to extend the date of withdrawal from 120 days to one year.
- Step 4:** Within sixty (60) days of filing Notice of Intent (Step 2), elderly or disabled tenants give written notice to the owner of their entitlement of an extension of the date of withdrawal from 120 days to one year.
- Step 5:** Within thirty (30) days of receipt of a tenant's claim to an extension of the date of withdrawal, owner gives written notice of the claim to the Rent Board.
- Step 6:** Within ninety (90) days of filing Notice of Intent (Step 2), owner gives written notice to Rent Board and tenants of whether owner is disputing the tenant's extension claim and if the owner is also extending the date of withdrawal for other units in building.
- Step 7:** Prior to the effective date of withdrawal, owner records the Memorandum summarizing Notice of Intent with County Recorder.
- Step 8:** Withdrawal of rental units is effective 120 days (or one year for qualified elderly or disabled tenants and any other tenants for which the date of withdrawal has been extended by the landlord) after filing of Notice of Intent (Step 2). The second half of the required relocation assistance shall be paid when the tenant vacates the unit.
- Step 9:** After the effective date of withdrawal, owner can file unlawful detainer eviction actions to obtain possession of the withdrawn rental units.
- Step 10:** Within thirty (30) days after the effective date of withdrawal (Step 8), Rent Board records Notice of Constraints with County Recorder.



**Relocation Payments Due Tenants
Evicted Under the Ellis Act**
[Ordinance Section 37.9A(e)]

Date of Filing of Notice of Intent to Withdraw Rental Units under the Ellis Act	Relocation Amount Due Per Tenant	Maximum Relocation Amount Due Per Unit	PLUS Additional Amount Due for Each Elderly or Disabled Tenant
3/01/09 - 2/28/10	\$4,945.46	\$14,836.35	\$3,296.96
3/01/10 - 2/28/11	\$5,105.20	\$15,315.56	\$3,403.45
3/01/11 - 2/29/12	\$5,105.20	\$15,315.56	\$3,403.45
3/01/12 - 2/28/13	\$5,157.27	\$15,471.78	\$3,438.17

Section 37.9A(e)(3) On or After February 20, 2005. Where a landlord seeks eviction based upon Section 37.9(a)(13), and the notice of intent to withdraw rental units is filed with the Board on or after February 20, 2005, relocation payments shall be paid to the tenants as follows:

(A) Subject to subsections 37.9A(e)(3)(B) (C) and (D) below, each tenant shall be entitled to receive \$4,500.00, one-half of which shall be paid at the time of the service of the notice of termination of tenancy, and one-half of which shall be paid when the tenant vacates the unit;

(B) In the event there are more than three tenants in a unit, the total relocation payment shall be \$13,500.00, which shall be divided equally by the number of tenants in the unit; and

(C) Notwithstanding Subsections 37.9A(e)(3)(A) and (B), any tenant who, at the time the notice of intent to withdraw rental units is filed with the Board, is 62 years of age or older, or who is disabled within the meaning of within the meaning of Section 12955.3 of the California Government Code, shall be entitled to receive an additional payment of \$3,000.00, \$1,500.00 of which shall be paid within fifteen (15) calendar days of the landlord's receipt of written notice from the tenant of entitlement to the relocation payment, and \$1,500.00 of which shall be paid when the tenant vacates the unit.

(D) **Commencing March 1, 2005**, the relocation payments specified in 37.9A(e)(3)(A) and (B) and (C) shall increase annually at the rate of increase in the "rent of primary residence" expenditure category of the Consumer Price Index (CPI) for All Urban Consumers in the San Francisco-Oakland-San Jose Region for the preceding calendar year, as that data is made available by the United States Department of Labor and published by the Board.

Section 37.9A(e)(4) Any notice to quit pursuant to Section 37.9(a)(13) shall notify the tenant or tenants concerned of the right to receive payment under this subsection 37.9A(e).



Checklist for Filing Notice of Intent to Withdraw Rental Units Under the Ellis Act

An owner should read and complete this checklist before filing a Notice of Intent To Withdraw Rental Units with the Rent Board.

The procedures for withdrawing rental units from rent or lease under the Ellis Act are set forth in Government Code section 7060 et seq., and Section 37.9A of the San Francisco Rent Ordinance, Chapter 37 of the San Francisco Administrative Code. This provides a summary description of the most important requirements. Since withdrawal from the rental market is a serious matter, owners are advised to obtain legal advice from an attorney regarding their specific situation.

An owner withdraws from the rental market under the Ellis Act by filing a Notice of Intent To Withdraw Rental Units with the Rent Board. The Notice provides information about the rental units and must be signed under penalty of perjury by all owners of record of the property. Withdrawal is effective 120 days after delivery of the Notice of Intent on the Rent Board, or one year after delivery of the Notice of Intent if the tenant is elderly (age 62 or older) or disabled and has lived in the unit for at least a year.

Withdrawal is not permitted in the following circumstances:

1. To withdraw some but not all residential rental units on the property;
2. To withdraw a rental unit during the term of a fixed-term lease; or
3. To discriminate against a tenant.

The owner must certify in the Notice of Intent that the owner has served the tenants with notices of termination of tenancy under Section 37.9(a)(13) and the Ellis Act. The owner can serve the notices of termination of tenancy by certified mail or by any other method authorized by law.

Within fifteen (15) days after filing the Notice of Intent To Withdraw Rental Units with the Rent Board, the owner must also notify the tenants in writing that the Notice of Intent has been filed, that the tenants have certain reoccupancy and relocation rights under Sections 37.9A(c) and (e) of the Rent Ordinance, and that elderly or disabled tenants who have lived in the unit for at least a year have the right to extend the date of withdrawal from 120 days to one year. An elderly or disabled tenant claiming the extension must notify the owner in writing within sixty (60) days after the owner files the Notice of Intent with the Rent Board. Within thirty (30) days of receipt of a tenant's claim to an extension, the owner must notify the Rent Board in writing of the claim. In the event an elderly or disabled tenant claims an extension, the owner has the

option of extending the withdrawal date for the other units in the building to one year. Within ninety (90) days of filing of the Notice of Intent, the owner must inform the Rent Board whether the owner disputes the tenant's extension claim and if the owner is extending the date of withdrawal for other units in the building.

After withdrawal of the rental units from rent or lease, certain restrictions and penalties apply to future rental use of the units, even by a subsequent owner. The two most important restrictions are:

1. The amount of rent charged is subject to rent control limitations for all tenancies commenced within the five (5) year period after withdrawal; and
2. The unit must be offered to the displaced tenant for ten years after withdrawal. The owner must notify the displaced tenant and the Rent Board if the unit is to be offered for rent again within ten (10) years of the date of withdrawal.

The owner must record a Memorandum summarizing the provisions of the Notice of Intent with the County Recorder prior to the effective date of the withdrawal.

NOTE: Once a Notice of Intent to Withdraw Rental Units is filed with the Rent Board, it cannot be rescinded unless no tenant has moved as a result of the Ellis filing, or under extraordinary circumstances approved by the Board. Moreover, the amount of rent charged is subject to rent control limitations for all tenancies commenced within the five (5) year period after the Notice of Intent to Withdraw was filed with the Board.

OWNERS SHOULD COMPLETE THE CHECKLIST BELOW TO ENSURE THE NOTICE OF INTENT IS COMPLETE.

- | Yes | No | |
|--------------------------|--------------------------|--|
| <input type="checkbox"/> | <input type="checkbox"/> | 1. Have you provided the following information in the Notice of Intent? |
| <input type="checkbox"/> | <input type="checkbox"/> | (a) the address and legal description of the property |
| <input type="checkbox"/> | <input type="checkbox"/> | (b) the number of residential units on the property |
| <input type="checkbox"/> | <input type="checkbox"/> | (c) the names of the tenants in each unit |
| <input type="checkbox"/> | <input type="checkbox"/> | (d) the current rent for each unit |
| <input type="checkbox"/> | <input type="checkbox"/> | 2. Have you certified that actions have been initiated to terminate existing tenancies by service of a written notice of termination of tenancy? |
| <input type="checkbox"/> | <input type="checkbox"/> | 3. Is the notice signed under penalty of perjury by all owners of record? |



Notice of Intent to Withdraw Residential Units from the Rental Market

[RENT ORDINANCE SECTION 37.9A]

NOTE: Owners seeking to withdraw from the rental market their units which are subject to the San Francisco Rent Ordinance must submit this completed form to the Rent Board's office. Submittal may be by personal delivery, registered mail, or certified mail. Please refer to the specific procedures pursuant to Section 37.9A of the San Francisco Rent Ordinance.

I. OWNER INFORMATION (All owners of the property must be listed. If additional space is needed, attach a separate sheet using the same format.)

Name: Address: Phone Number: (home) (work)

II. PROPERTY INFORMATION

Address: San Francisco, CA 941 (zip)

Number of Units:

Legal Description: Attach a legal description of the property and mark it as Attachment A.*

*This Notice of Intent to Withdraw Residential Units will not be processed by the Rent Board without a legal description, which is required by the San Francisco Recorder's Office.

III. UNIT INFORMATION (All units, including owner-occupied, commercial and vacant units, and all occupants of the property must be listed. If additional space is needed, attach a separate sheet using the same format.)

Table with 4 columns: UNIT #, DATE TENANCY COMMENCED, NAME OF EACH CURRENT OCCUPANT, CURRENT RENT



RECORDING REQUESTED BY:

WHEN RECORDED MAIL TO:

Empty box for recording details

Memorandum of Notice
Regarding Withdrawal of Rental Units from Rent or Lease

(to be recorded by owner)

This memorandum evidences that the undersigned, as the owner of the property described in Exhibit A attached, has filed a notice with the San Francisco Residential Rent Stabilization and Arbitration Board, which contents are certified under penalty of perjury, stating the intent to withdraw from rent or lease all units at said property, pursuant to San Francisco Administrative Code Section 37.9A and the Ellis Act.

I declare under penalty of perjury under the laws of the State of California that the above statements are true and correct. This notice is signed on

_____ in _____ California.
(date) (city)

_____ (print name) _____ (signature)

RE: Property located at _____ in San Francisco, California.

ALL OWNERS MUST SIGN. Attach an additional declaration and signature for each owner. Please note that the Recorder's Office requires that all owners' signatures must be notarized.

NOTICE: RESTRICTIONS ON THE FUTURE USE OF THE PROPERTY WILL APPLY TO SUCCESSORS IN INTEREST PURSUANT TO SAN FRANCISCO ADMINISTRATIVE CODE SECTION 37.9A.

RECORDING REQUESTED BY:

City and County of San Francisco
Residential Rent Stabilization & Arbitration Board
25 Van Ness Avenue, Suite 320
San Francisco, CA 94102

WHEN RECORDED MAIL TO:

City and County of San Francisco
Residential Rent Stabilization & Arbitration Board
25 Van Ness Avenue, Suite 320
San Francisco, CA 94102

Notice of Constraints on Real Property

(to be recorded by the Rent Board)

Pursuant to Government Code Section 7060.2 and San Francisco Administrative Code Chapter 37, Section 37.9A, the City of San Francisco has determined to apply constraints to successors in interest to an owner(s) who has withdrawn residential accommodations from rent or lease.

The real property where the accommodations are located is specifically described as:

Block: _____ Lot: _____

Address: _____, San Francisco, CA 94_____.

(See Attachment A for legal description of property.)

Name of Owner(s): _____

The date on which the accommodations are to be withdrawn from rent or lease is _____.

The constraints set forth in the following sections apply to the units until the dates indicated:

- Government Code Section 7060.2(a)&(d) and San Francisco Administrative Code Section 37.9A(a)&(b): _____ (Five years from date of withdrawal)
- Government Code Section 7060.2(c) and San Francisco Administrative Code Section 37.9A(c): _____ (Ten years from date of withdrawal)

ALL OF THE TERMS AND OBLIGATIONS AS NAMED IN THIS DOCUMENT WILL TERMINATE AUTOMATICALLY, WITHOUT THE NECESSITY OF ANY RECORDED TERMINATION, AFTER _____.

Dated: _____

Delene Wolf, Executive Director
San Francisco Rent Board