City and County of San Francisco Residential Rent Stabilization and Arbitration Board

Notice to Tenant of Owner's Filing of Notice of Intent to Withdraw Rental Units Under the Ellis Act

The owner of your building has filed 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 proper withdrawal from the rental market is a basis to evict the tenants, tenants 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, except elderly (aged 62 or older) 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 as explained below.

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 existing tenants with notices of termination of tenancy. The owner can serve the notices of termination of tenancy by certified or registered mail or by any other method authorized by law. The tenancies cannot be terminated under the Act before the effective date of withdrawal, which for all tenants (including elderly and disabled tenants) is initially 120 days after delivery of the Notice of Intent on the Rent Board. **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 (aged 62 or older) 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 up to one year. Within ninety (90) days of filing of the Notice of Intent, the

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owner must inform the Rent Board if the owner disputes the tenant's extension claim and whether the owner is extending the date of withdrawal for other units in the building.

Within fifteen (15) days after filing the Notice of Intent To Withdraw Rental Units with the Rent Board, the owner must notify the tenants that the Notice of Intent has been filed, that the tenants have certain rights to reoccupancy, and that tenants have the right to receive certain relocation payments under Rent Ordinance Section 37.9A(e). Section 37.9A(e) was amended in February 2005 to provide for a payment of $4,500.00 to each tenant with a maximum of $13,500.00 per unit, plus an additional payment of $3,000.00 for each senior or disabled tenant. The amount of Ellis relocation payments is increased on March 1 of each year due to inflation. For Ellis notices of intent to withdraw filed with the Board between March 1, 2012 and February 28, 2013, the following relocation amounts are due: $5,157.27 per tenant with a maximum of $15,471.78 per unit, with an additional $3,438.17 for elderly or disabled tenants.

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 the rental unit was withdrawn; 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 Rent Board will maintain a list of rental units withdrawn from rent or lease and the names of the displaced tenants. If tenants want to be notified if withdrawn units are offered again for rent within ten years of withdrawal, tenants must request notice and provide current addresses to the owner and the Rent Board. Tenants can do so by completing a Notice of Interest in Renewed Accommodations form and returning it to the owner and the Rent Board.

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Notice of Interest in Renewed Accommodations

To: _____
(Owner's Name)

My name is _____
(Print Your Name)

I am/was a tenant at _____
(Tenant's Address)

San Francisco, California 941 _____ .

I wish to be contacted by the owner in the event that the accommodations at this address are again offered for rent or lease within ten years from the date on which they are withdrawn from rent or lease. I can be contacted at or through the following address(es) and wish any offer to renew the tenancy be sent to me as follows:

First Address	Second Address
Phone: Email:	Phone: Email:

If you wish to include additional addresses, please attach a separate sheet of paper with the address(es) legibly written under the title "NOTICE OF INTEREST IN ACCOMMODATIONS - ADDITIONAL ADDRESSES." IT IS IMPORTANT TO UPDATE THIS INFORMATION IF THE TENANT LATER CHANGES HIS/HER ADDRESS BECAUSE THE OWNER IS ONLY OBLIGATED TO ATTEMPT TO CONTACT THE TENANT AT THE LAST ADDRESS GIVEN BY THE TENANT. BE SURE THESE OTHER ADDRESSES ARE FORWARDED TO BOTH THE OWNER(S) AND THE SAN FRANCISCO RENT BOARD.

This notice should be given to the owner(s) no later than 30 days after the day the tenant has vacated the property to be withdrawn. This notice can also be given to the San Francisco Rent Board, 25 Van Ness Avenue, Suite 320, San Francisco, CA 94102 at any time.

_____ _____
(Date) (Signature of Tenant)

NOTE: EACH TENANT WHO IS INTERESTED IN RECEIVING NOTICE THAT THE ACCOMMODATIONS AT THIS ADDRESS ARE AGAIN OFFERED FOR RENT OR LEASE MUST FILE A SEPARATE *NOTICE OF INTEREST IN RENEWED ACCOMMODATIONS*.

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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.

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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).

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