



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 for 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After the effective date of withdrawal, owner can file unlawful detainer eviction actions to obtain possession of the withdrawn rental units.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.



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, the Rent Board will record a Notice of Constraints restricting the future rental use of the units in the following ways:

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.

In addition, other City Codes, including but not limited to the Planning Code, Building Code, Subdivision Code and Administrative Code, contain certain restrictions for units that have been withdrawn from the rental market under the Ellis Act.

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:** A Notice of Intent to Withdraw Residential Units from the Rental Market that is filed with the Rent Board cannot be rescinded unless the owner files a Request for Rescission of the Ellis Eviction Notices form and proves that no tenant has vacated or agreed to vacate a unit since the Notices of Termination of Tenancy were served on the tenants, or extraordinary circumstances exist to justify rescission.*

OWNERS SHOULD COMPLETE THE CHECKLIST BELOW TO ENSURE THE NOTICE OF INTENT TO WITHDRAW RESIDENTIAL UNITS FROM THE RENTAL MARKET 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 of the property, including block and lot number |
| <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: _____ (primary) _____ (other)

II. PROPERTY INFORMATION

Address: _____ San Francisco, CA 941_____
(street number and name) (zip code)

Block: _____ Lot: _____

Number of Residential Units: _____

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. Multiple rows of blank lines for data entry.

**Notice of Intent to Withdraw
Residential Units from the Rental Market *(continued)***

[RENT ORDINANCE SECTION 37.9A]

IV. OWNER'S DECLARATION

Do you certify that actions have been initiated as required by law to terminate all existing tenancies on the property by service of a written notice of termination of tenancy? Yes No

I declare under penalty of perjury, under the laws of the State of California, that the information provided on this Notice of Intent to Withdraw Form, including any attachments, is true and correct to the best of my knowledge and belief.

Executed on _____ in _____, California.

(date)

(city)

(print name)

(signature)

ALL OWNERS MUST SIGN. Attach an additional declaration and signature for each owner of record. Attorneys and/or non-attorney representatives may not sign the owner's declaration on behalf of an owner.



RECORDING REQUESTED BY:

WHEN RECORDED MAIL TO:

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_____.

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: _____

Robert Collins, Executive Director
San Francisco Rent Board



Relocation Payments for Tenants Evicted Under the Ellis Act*

Date of Service of Notice of Termination of Tenancy ("Eviction Notice")	Relocation Amount Due Per Tenant	Maximum Relocation Amount Due Per Unit	PLUS Additional Amount Due for Each Elderly (62 years or older) or Disabled Tenant
3/01/15 – 2/29/16	\$5,555.21	\$16,665.59	\$3,703.46
3/01/16 – 2/28/17	\$5,894.63	\$17,683.86	\$3,929.74
3/01/17 – 2/28/18	\$6,286.03	\$18,858.07	\$4,190.67

*See Ordinance Section 37.9A for additional relocation requirements for evictions under 37.9(a)(13) (Ellis Act).

NOTE: Effective June 14, 2015, Rent Ordinance Section 37.9A was amended to require a landlord to pay the greater of the relocation payment amount listed above or the "Rental Payment Differential" defined as "an amount equal to the difference between the unit's monthly rental rate at the time the landlord files the notice of intent to withdraw rental units with the Board, and the monthly market rental rate for a unit in San Francisco as determined by the Controller's Office," multiplied to cover a two-year period, and divided equally by the number of tenants in the unit. (See Ordinance Subsections 37.9A(e)(3)(E)(ii) and (iii).) On October 2, 2015, in the case of *Coyne v. CCSF*, San Francisco Superior Court Case No. CPF-15-514382, the Court enjoined the City from enforcing the amended Ordinance until permitted to do so by the Court. The City has appealed the Court's ruling to the California Court of Appeal. For more specific information about the amended Ordinance, see the "What's New" section on the Rent Board's website at www.sfrb.org.

Pagos de traslado para inquilinos desalojados según la Ley Ellis*

Fecha del servicio de entrega del aviso de desalojo	Monto de traslado correspondiente por inquilino	Monto de traslado máximo correspondiente por unidad	ADICIONAL Monto adicional correspondiente por cada persona mayor de edad (62 años o más) o inquilino discapacitado
3/01/15 – 2/29/16	\$5,555.21	\$16,665.59	\$3,703.46
3/01/16 – 2/28/17	\$5,894.63	\$17,683.86	\$3,929.74
3/01/17 – 2/28/18	\$6,286.03	\$18,858.07	\$4,190.67

*Ver la Sección 37.9A de la Ordenanza para obtener los requisitos adicionales de traslado por desalojo según 37.9(a)(13) (Ley Ellis).

《艾利斯法案》(Ellis Act) 規定的迫遷搬遷費*

送達迫遷通知的日期	每位房客應得的搬遷費金額	每個單位應得的最高搬遷費金額	外加 每位老年 (62 歲或以上) 或殘障房客應得的額外金額
3/01/15 – 2/29/16	\$5,555.21	\$16,665.59	\$3,703.46
3/01/16 – 2/28/17	\$5,894.63	\$17,683.86	\$3,929.74
3/01/17 – 2/28/18	\$6,286.03	\$18,858.07	\$4,190.67

*請參閱《租賃條例》第 37.9A 節中有關依照第 37.9(a)(13) 節 (《艾利斯法案》) 迫遷的額外搬遷費要求。