



# San Francisco Residential Rent Stabilization and Arbitration Board

## 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 the Notice of Intent To Withdraw Rental Units with the Rent Board.
- Step 3:** Within fifteen (15) days of filing the 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 the 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, the owner gives written notice of the claim to the Rent Board.
- Step 6:** Within ninety (90) days of filing the Notice of Intent (Step 2), owner gives written notice to Rent Board and tenants of whether the owner is disputing the tenant's extension claim and the revised date of withdrawal of the property if the owner does not dispute a tenant's claim of extension. The notice must also state whether the owner is extending the tenancies for other units in the building.
- Step 7:** Prior to the effective date of withdrawal, owner records the Memorandum summarizing the Notice of Intent with the County Recorder.
- Step 8:** The withdrawal date for all units is 120 days (or one year if the date of withdrawal of the property has been extended by the landlord) after filing the Notice of Intent (Step 2). The second half of the required relocation assistance shall be paid when the tenant vacates the unit.
- Step 9:** Within thirty (30) days after the effective date of withdrawal (Step 8), the Rent Board records a Notice of Constraints with County Recorder.



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## **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 of the property 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 any tenant in the building 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 tenancies



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## Checklist for Filing Notice of Intent to Withdraw Rental Units Under the Ellis Act (cont.)

(i.e. move-out 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 of whether the owner disputes the tenant’s extension claim and the revised date of withdrawal of the property if the owner does not dispute a tenant’s claim of extension. The notice must also state whether the owner is extending the tenancies 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 that 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.**

- | <b>Yes</b>               | <b>No</b>                |  |
|--------------------------|--------------------------|--|
| <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?  |



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## 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.)

<u>UNIT #</u>	<u>DATE TENANCY COMMENCED</u>	<u>NAME OF EACH CURRENT OCCUPANT</u>	<u>CURRENT RENT</u>
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____





# San Francisco Residential Rent Stabilization and Arbitration Board

RECORDING REQUESTED BY:

WHEN RECORDED MAIL TO:

Blank area for recording information, separated by a vertical line.

## **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.**



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
3/01/20 – 2/28/21	\$7,230.41	\$21,691.22	\$4,820.26
3/01/21 – 2/28/22	\$7,419.12	\$22,257.36	\$4,946.07
3/01/22 – 2/28/23	\$7,426.54	\$22,279.62	\$4,951.02

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

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
3/01/20 – 2/28/21	\$7,230.41	\$21,691.22	\$4,820.26
3/01/21 – 2/28/22	\$7,419.12	\$22,257.36	\$4,946.07
3/01/22 – 2/28/23	\$7,426.54	\$22,279.62	\$4,951.02

\* 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
3/01/20 – 2/28/21	\$7,230.41	\$21,691.22	\$4,820.26
3/01/21 – 2/28/22	\$7,419.12	\$22,257.36	\$4,946.07
3/01/22 – 2/28/23	\$7,426.54	\$22,279.62	\$4,951.02

\*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。

**Bayad para sa Rekolasyon ng mga Umuupa (Tenant) na Napaalis sa Ilalim ng Batas Ellis\***

Petsa ng Pagbibigay ng Abiso para sa Pagtatapos ng Pagpapaupa o Termination of Tenancy (“Abiso ng Pagpapaalis o Eviction Notice”)	Halaga para sa Relokasyon na Kailangang Bayaran sa Bawat Umuupa	Pinakamataas nang Halaga para sa Relokasyon na Kailangang Bayaran para sa Bawat Unit	AT Karagdagang Halaga na Kailangang Bayaran para sa Bawat Matanda (60 taong gulang o mas matanda pa) o May Kapansanan na Umuupa o Kabahayan na may (mga) Anak na Menor de Edad
3/01/20 – 2/28/21	\$7,230.41	\$21,691.22	\$4,820.26
3/01/21 – 2/28/22	\$7,419.12	\$22,257.36	\$4,946.07
3/01/22 – 2/28/23	\$7,426.54	\$22,279.62	\$4,951.02

\* Tingnan ang Ordinansa, Seksiyon 37.9A para sa iba pang itinatakda sa relokasyon para sa mga pagpapaalis na nasa ilalim ng 37.9(a)(13) (Batas Ellis).