

BORNSTEIN LAW

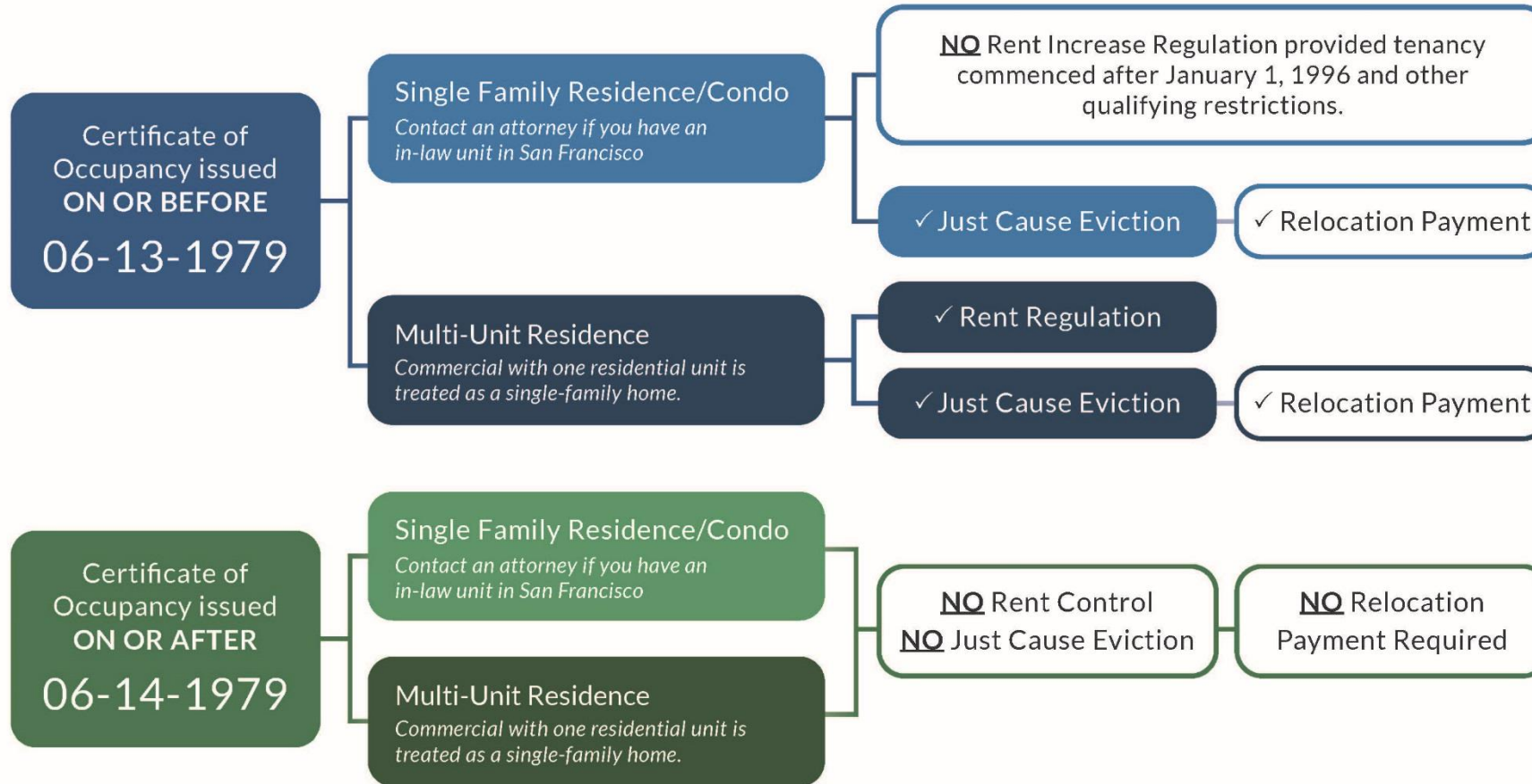
San Francisco Rent Control: Knowledge is Power

Sep 12, 2018

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- ❑ Rent Control vs. Non-Rent Control
- ❑ Just Cause Eviction / SF Rent Ordinance
- ❑ Owner/Relative Move-In Evictions & Protected Tenants
- ❑ New Legislature - AB 2343
- ❑ Discussion Costa-Hawkins Repeal - Prop 10
- ❑ Q&A Session

SAN FRANCISCO RENT CONTROL REFERENCE SHEET[©]



Just Cause Eviction Rules

There are 15 just cause reasons for eviction under Ordinance Section 37.9(a).
The most common ones are:

- ▶ Non-payment of rent or habitual late payment of rent
- ▶ Breach of a rental agreement or lease
- ▶ Owner-occupancy or occupancy by a member of the landlord's immediate family
- ▶ Capital Improvement / Terminations
- ▶ Ellis Act
- ▶ Nuisance
- ▶ Removal of In-law unit

BORNSTEIN LAW'S SF OWNER MOVE-IN REFERENCE SHEET

OWNER MOVE-IN TENANCY TERMINATION REQUIREMENTS

Certificate of
Occupancy issued
ON OR BEFORE
6-13-1979

1

For 36 continuous months, must occupy as principal place of residency

36 Months

37th month

Free to vacate

2

For 60 months, if re-rented, must first be offered to displaced tenant, thereafter open market.

60 Months

61st month

Free to rent to
Third Parties

3

For 60 months, if re-rented, must be rented at rent no greater than prior displaced tenant's rent.

60 Months

61st month

If vacant,
can rent at
market rate

NO OMI REQUIRED,
STRAIGHT TERMINATION

Always consult an attorney for legal advice and help making decisions.

**Relocation Payments for Evictions based on Owner/Relative Move-in OR
Demolition/Permanent Removal of Unit from Housing Use OR
Temporary Capital Improvement Work OR Substantial Rehabilitation***
[Rent Ordinance Section 37.9C]

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 (60 years or older) or Disabled Tenant or Household with Minor Child(ren)
3/01/17 – 2/28/18	\$6,281.00	\$18,843.00	\$4,188.00
3/01/18 – 2/28/19	\$6,627.00	\$19,881.00	\$4,419.00

** See Ordinance Section 37.9C for additional relocation requirements for evictions under 37.9(a)(8) (owner/relative move-in), 37.9(a)(10) (demolition/permanent removal from housing use), 37.9(a)(11) (temporary eviction for capital improvement work) and 37.9(a)(12) (substantial rehabilitation). Effective 1/1/13, the amount of relocation payments for temporary capital improvement evictions under 37.9(a)(11) for less than 20 days is governed by California Civil Code Section 1947.9 and not by Rent Ordinance Section 37.9C.*

Relocation Payments for Tenants Evicted Under the Ellis Act*
[Rent Ordinance Section 37.9A]

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
3/01/17 – 2/28/18	\$6,286.03	\$18,858.07	\$4,190.67
3/01/18 – 2/28/19	\$6,632.39	\$19,897.15	\$4,421.58

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

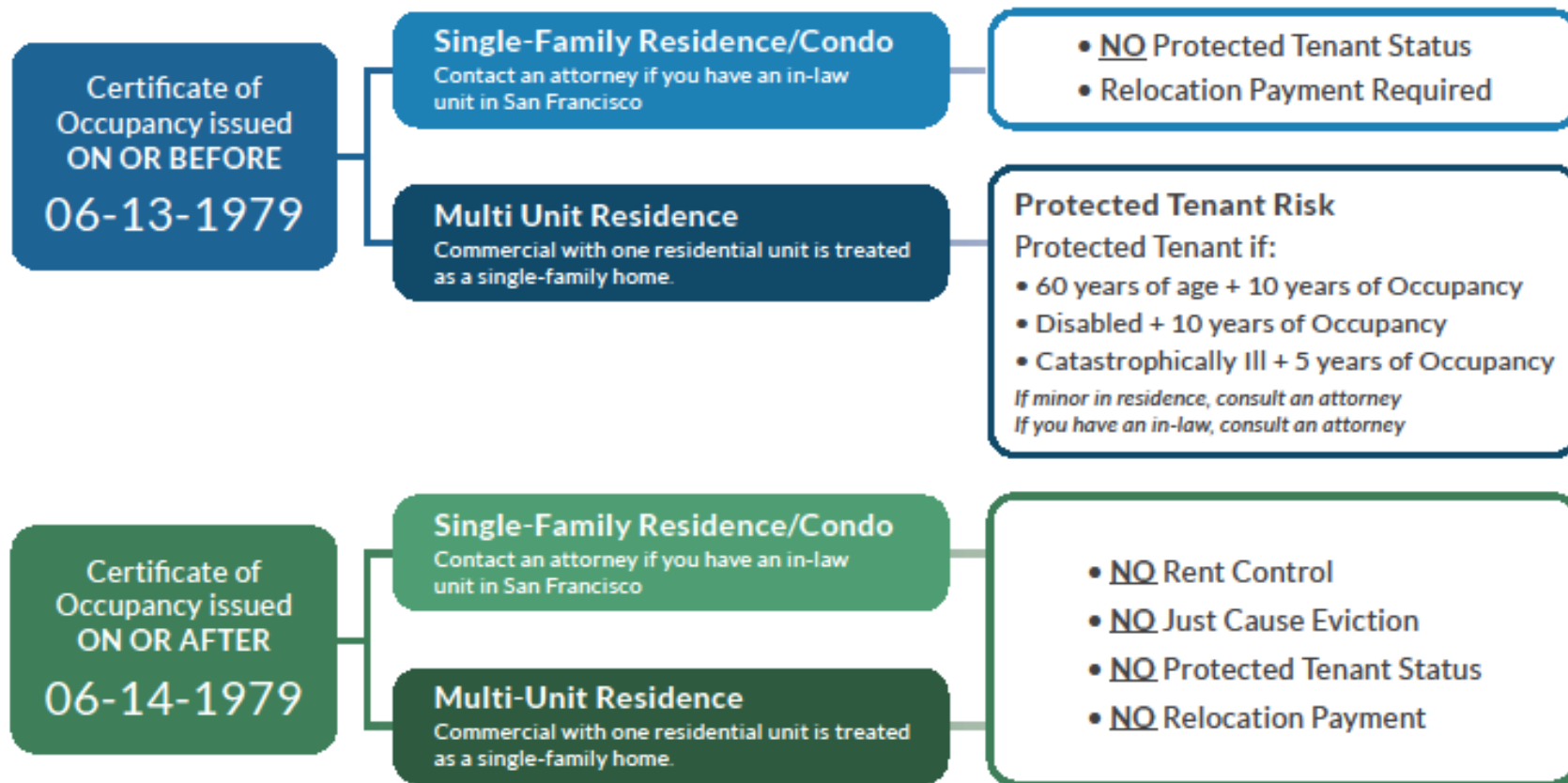
Relocation Payments for Temporary Displacement for Less Than 20 Days
[Civil Code Section 1947.9]

Date of Service of Notice of Termination of Tenancy ("Eviction Notice")	Relocation Amount Due Per Tenant Household
3/01/17 – 2/28/18	\$341.00/day (plus actual moving expenses)*
3/01/18 – 2/28/19	\$360.00/day (plus actual moving expenses)*

** See California Civil Code Section 1947.9(a)(2) which provides that the landlord shall have the option to provide a comparable dwelling unit and pay any actual moving expenses in lieu of paying the daily compensation rate.*

SAN FRANCISCO PROTECTED TENANT REFERENCE SHEET[®]

FOR USE WITH "OMI" AND RMI" EVICTIONS

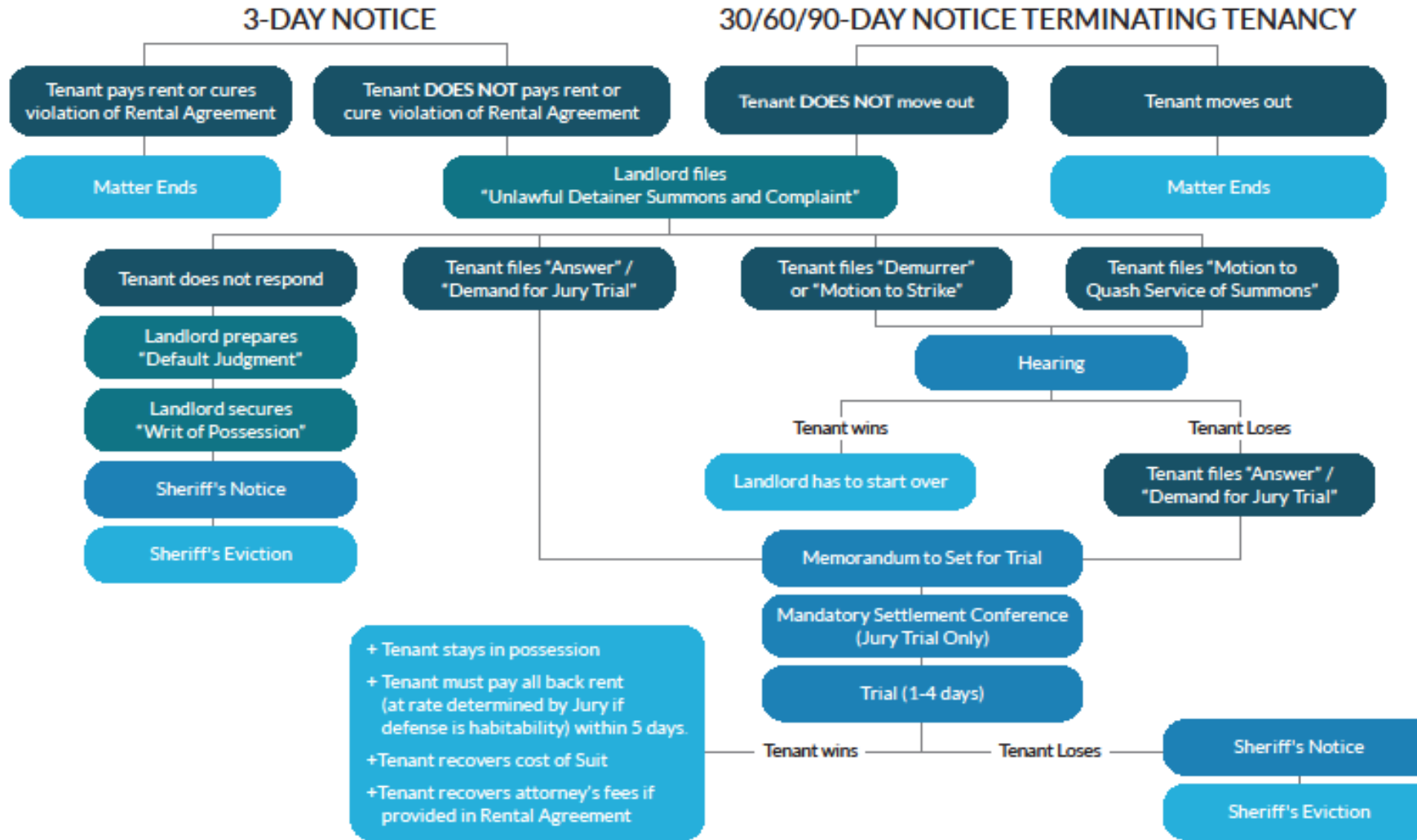


Tenant Surrender of Possession Agreements

Bornstein Law can provide you with a draft surrender of possession agreement, within 48 hours of receipt of the following information:

1. Names of Owner(s)
2. Names of Tenants and/or Occupants
3. Address of Rental Unit
4. When are the tenants vacating the unit?
5. How much are you paying them?
6. When are you going to pay them (upon signing settlement agreement or upon giving the keys to you)?
7. Are the tenants going to continue to pay rent for the duration of their time in the rental unit or is the rent waived?
8. Are you returning the security deposit according to law or are the tenants forfeiting the security deposit?

THE EVICTION PROCESS[©]



New Legislature

- ▶ [AB2343](#) by Assemblyman David Chiu, D-San Francisco, stipulates that weekend days and holidays do not count in the time tenants are given to respond to an eviction notice. The bill spells out that renters have three court days to pay rent after receiving such a notice and five court days to respond to an eviction lawsuit.
- ▶ Previously, weekend days and holidays counted in the time tenants had to respond. The new law takes effect Sept. 1, 2019.

Discussion Costa/Hawkins Repeal - Prop 10

- ▶ “A city, county, or city and county shall have the authority to adopt a local charter provision, ordinance or regulation that governs a landlord’s right to establish and increase rental rates on a dwelling or housing unit.”
- ▶ Prop. 10 does not create or expand any rent-control measures, but instead would permit each city to create new rent-control designations on an individual basis.

THANK YOU!



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