

BORNSTEIN LAW

Rent Control Expo

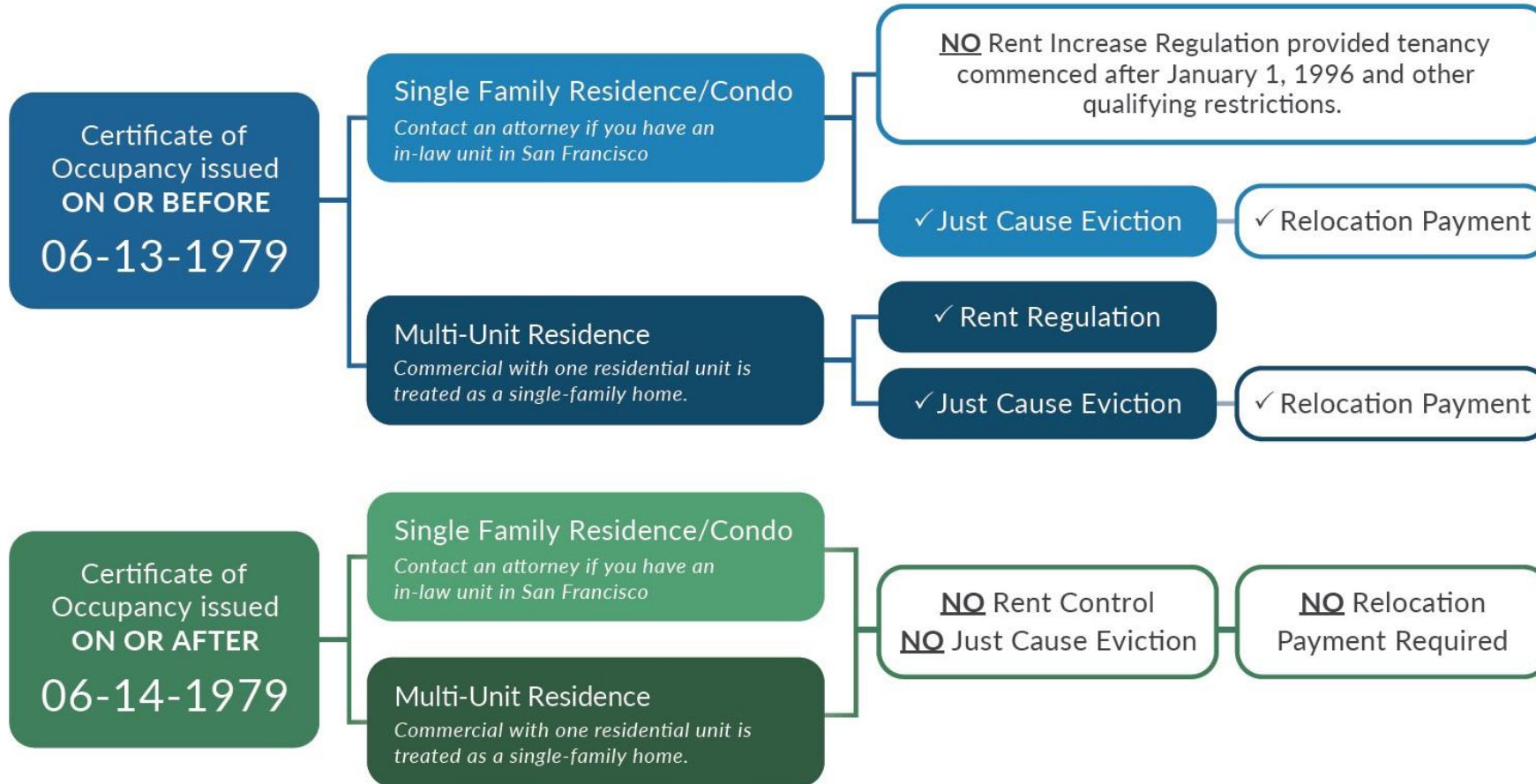
- Fort Mason Center-

- Presented by: Daniel Bornstein, Esq.
DRE #01517095, #01517094

April 10, 2019

- ❑ Rent Control vs. Non-Rent Control
- ❑ Just Cause Eviction / SF Rent Ordinance
- ❑ Owner/Relative Move-In Evictions & Protected Tenants
- ❑ Tenant Buy- Out
- ❑ ADUs / Removal of In-Law unit
- ❑ AB2343 & CA Civil Code 1947.3
- ❑ 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/ ADU discussion



City and County of San Francisco

Residential Rent Stabilization
and Arbitration Board

**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***

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
3/01/19 – 2/29/20	\$6,980.00	\$20,939.00	\$4,654.00

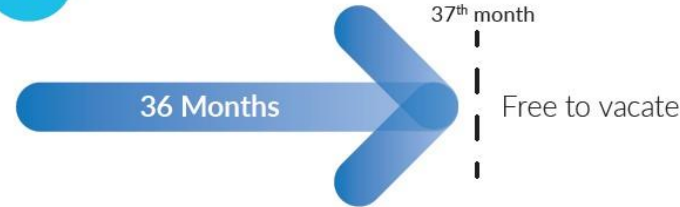
**See Ordinance Section 37.9C for additional relocation requirements for evictions under 37.9(a)(8) (owner/relative move-in), 37.9(a)(10) (demolition/permanent removal from housing use), 37.9(a)(11) (temporary eviction for capital improvement work) and 37.9(a)(12) (substantial rehabilitation). [However, 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. The daily rate for relocation payments under Section 1947.9 is \$379.00/day for the period 3/1/19 – 2/29/20.]*

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



Certificate of
Occupancy issued
ON OR AFTER
6-14-1979

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



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

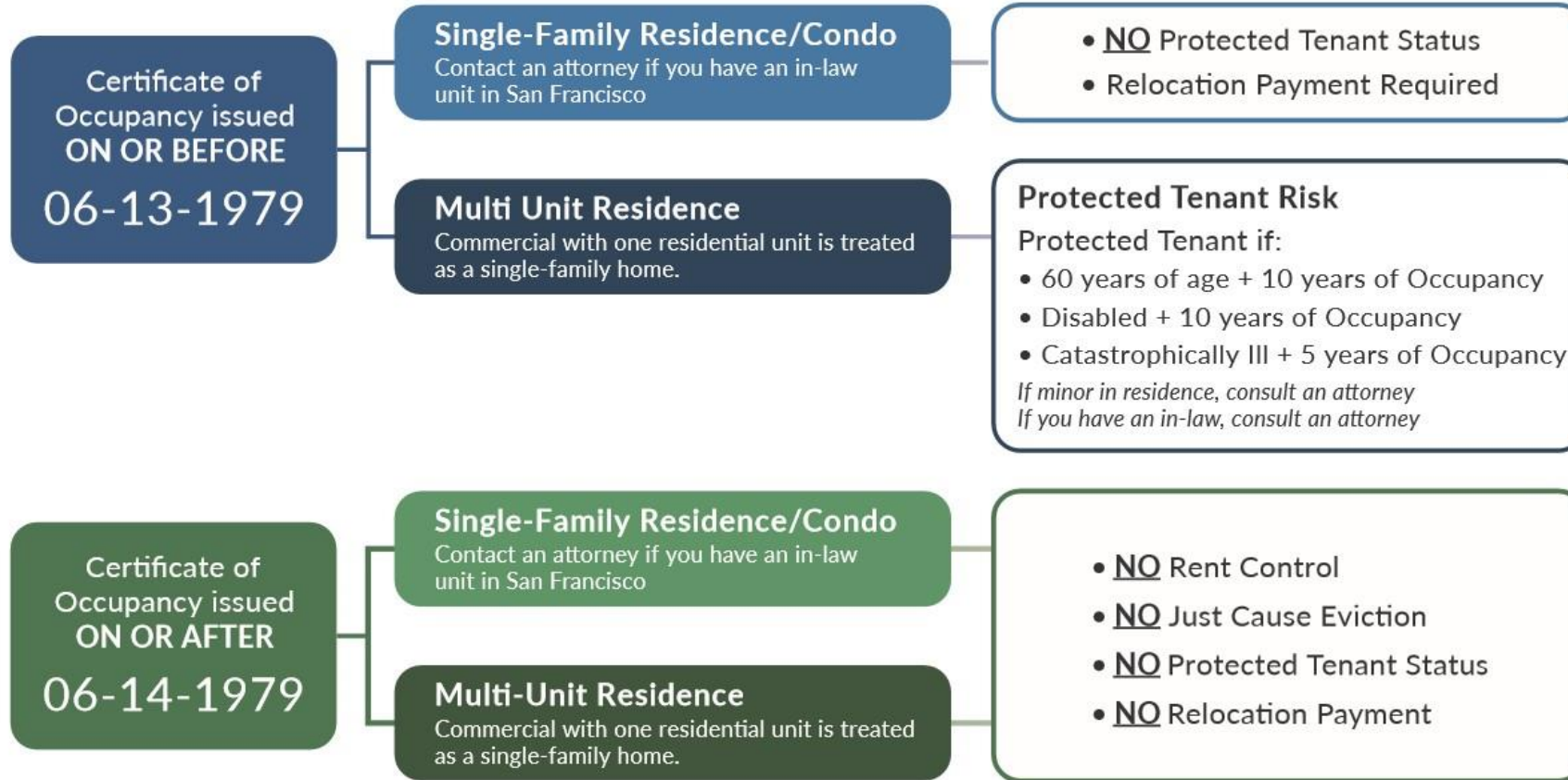


**NO OMI REQUIRED,
STRAIGHT TERMINATION**

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

SAN FRANCISCO PROTECTED TENANT REFERENCE SHEET[©]

FOR USE WITH "OMI" AND RMI" EVICTIONS

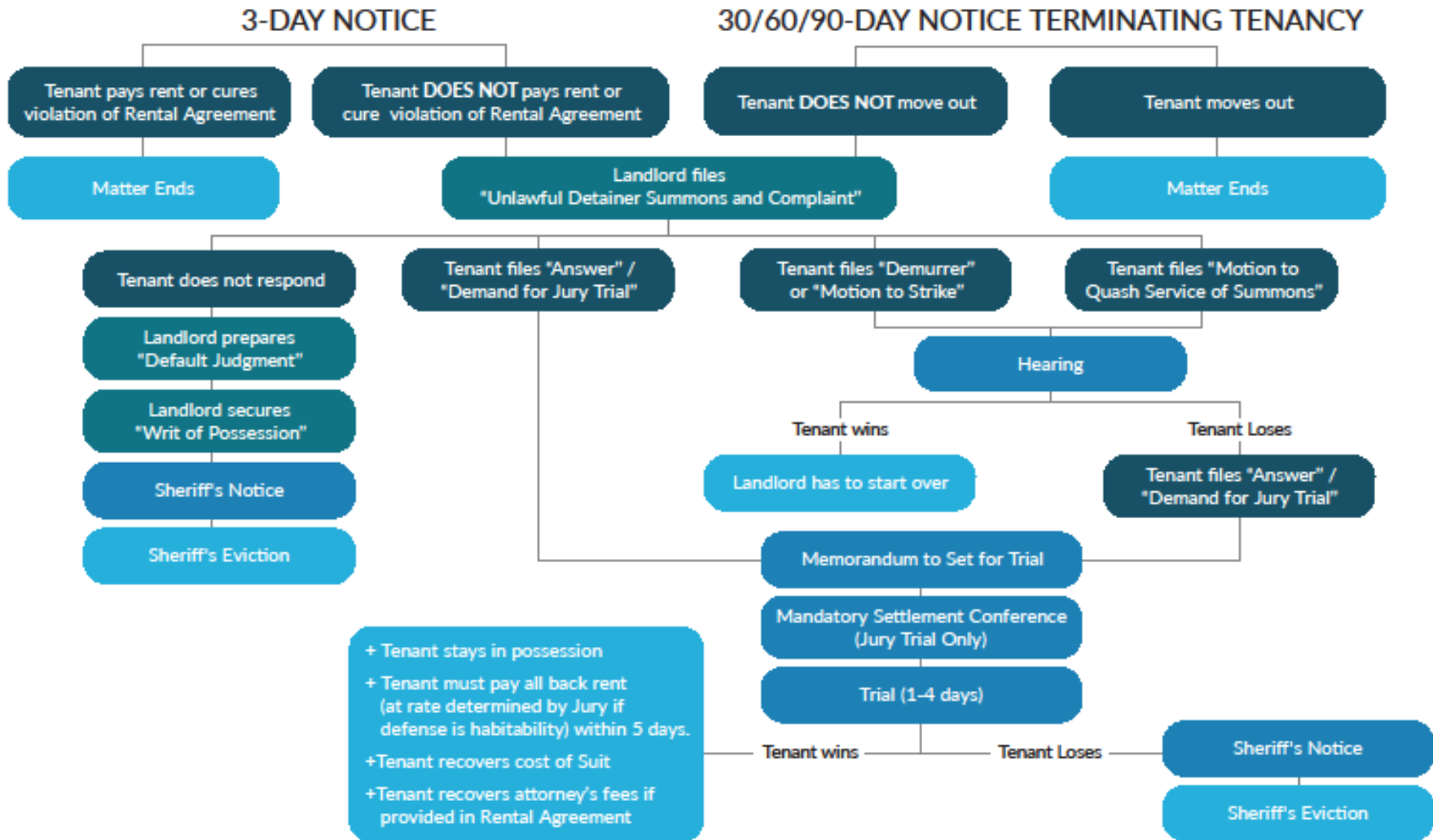


Tenant Surrender of Possession Agreements

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[®]



THANK YOU!



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