

BORNSTEIN LAW

Review of California New Laws

- Presented by: Daniel Bornstein, Esq.
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- ❑ State Rent CAP/Just Cause
- ❑ COPA - Qualified Non-Profit
- ❑ 3-Day Notice/ Unlawful Detainer Serve Dates
- ❑ Owner/Relative Move-In Evictions & Protected Tenants
- ❑ Tenant Buy- Out
- ❑ ADUs / Removal of In-Law unit
- ❑ SF Rent Ordinance
- ❑ Q&A Session

State Rent Cap/ Just Cause - General

- ▶ All Residential Rental Property (unless exempt)
- ▶ Tenants must be in possession for 12 or more months

State - Rent Cap - Regulation

(Retroactive to March, 15, 2019)

- ▶ Maximum rent increase in any twelve-month period:
- ▶ 5% plus CPI or 10% (whichever is lower)
- ▶ No more than 2 increases in any 12-month period

State - Rent Cap - EXEMPTIONS

- ▶ Property already subject to rent control
- ▶ Condo/ Single family home :
 - ▶ **EXCEPT: WHERE CORPORATE OWNERSHIP; OR LLC OWNERSHIP WHERE ONE MEMBER IS A CORPORATION; OR REIT OWNERSHIP.**
- ▶ Certificate of occupancy issued w/in the **previous 15 years**
- ▶ Public Housing
- ▶ Dormitories (Higher institution)
- ▶ Duplex where owner lives in one unit since beginning of tenancy
- ▶
- ▶ Exemption: Disclosure requirements:
 - ▶ **MUST BE DISCLOSED IN LEASE EFFECTIVE JULY 2020**

State - Just Cause Eviction

- ▶ Non-payment of rent
- ▶ Breach of Covenant CCP: 1161(3)*
- ▶ Nuisance CCP: 1161(4)
- ▶ Waste CCP: 1161(4)
- ▶ Failure to renew lease
- ▶ Criminal activity as provided by penal code
- ▶ Assignment Sublet CCP: 1161(4)
- ▶ Failure to provide access
- ▶ Unlawful purpose CCP: 1161(4)
- ▶ Tenant's failure to vacate after Tenant provides notice of termination
- ▶ Occupant's failure to vacate after termination of employment CCP: 1161(1)

*Note: Tenant must be provided opportunity to cure; if not cured then notice to quit may issue

State - Just Cause/No Fault Eviction

- ▶ OMI/RMI (Effective July 2020, lease must disclose right to OMI/RMI)
- ▶ Ellis Act
- ▶ Government requires property to be vacated
- ▶ Demolition/Substantial remodel

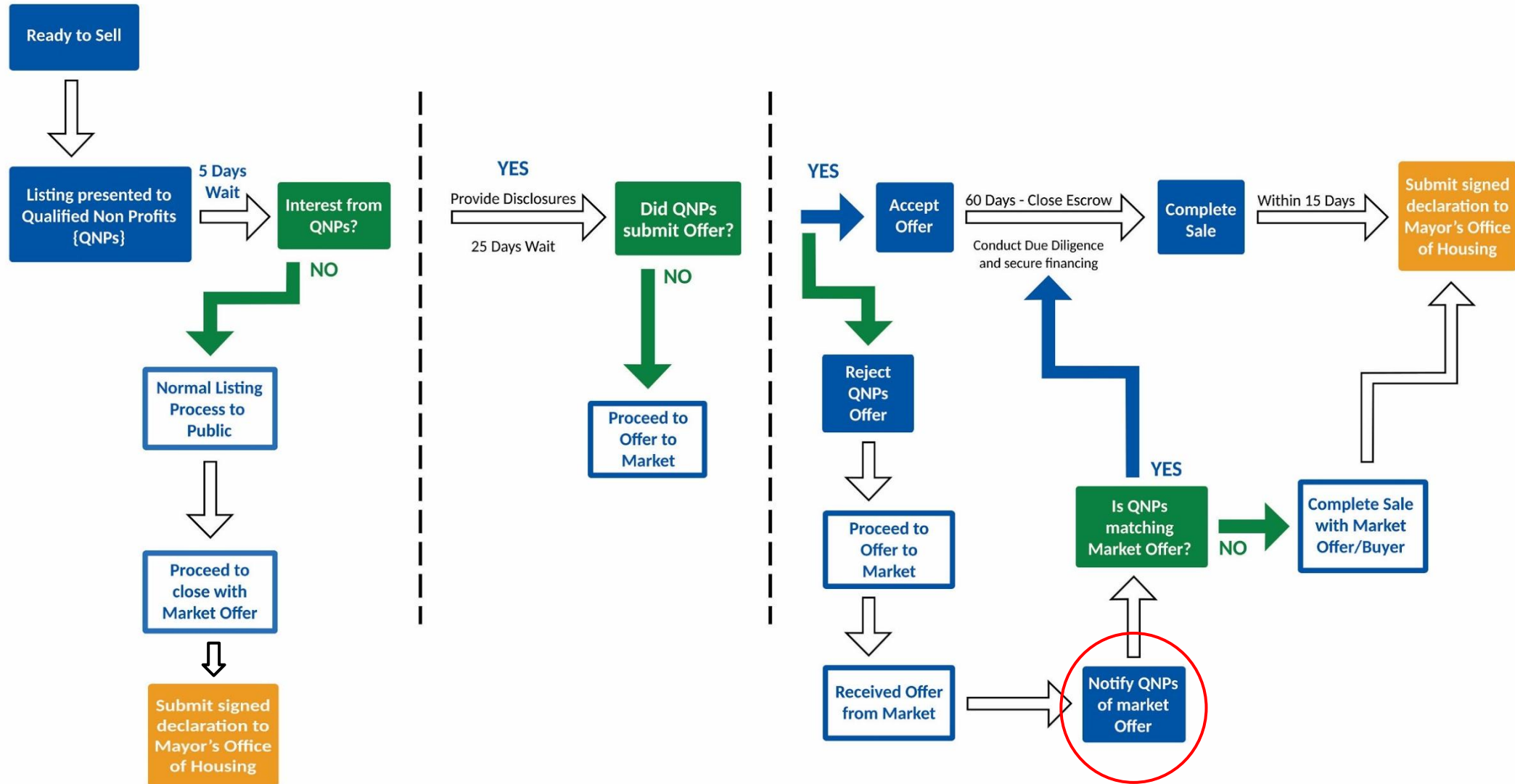
- ▶ Relocation requirement:
 - ▶ Owner must provide one month rent waiver OR pay tenant one month's rent within 15 days of service of notice.

State - Just Cause Eviction - **EXEMPTIONS**

- ▶ Property currently subject to a Just Cause Eviction Ordinance
- ▶ Property subject to eviction control enacted after Sept 1, 2019 is such law is more protective
- ▶ Condo/ Single family home:
 - ▶ **EXCEPT: WHERE CORPORATE OWNERSHIP; OR LLC OWNERSHIP WHERE ONE MEMBER IS A CORPORATION; OR REIT OWNERSHIP**
- ▶ Certificate of occupancy issued within previous 15 years
- ▶ Public housing entities
- ▶ Dormitories (Higher institution & K-12)
- ▶ Duplex if owner lives in one unit since beginning of tenancy
- ▶ Transient / tourist units
- ▶ Nonprofits, elder care; hospitals
- ▶ Tenant who is roommate of owner
- ▶ Owner Occupied SFH with ADU
- ▶ **IF PROPERTY EXEMPT PER THE ABOVE MUST BE DISCLOSED IN LEASE EFFECTIVE JULY 2020**

What is COPA

- ▶ Latest SF Ordinance - Community Opportunity to Purchase Act
 - ▶ Intended to create more affordable rental housing
 - ▶ Gives QUALIFIED Non-Profits (QNP) the right of first purchase for any multi-family building sold in San Francisco & the right to match offers
 - ▶ Applies to all buildings with 3+ residential units and vacant land zoned for 3+ units



COPA - Qualified Non-Profits

Mayor's Office of Housing and Community Development
City and County of San Francisco



Community Opportunity to Purchase Act
Qualified Nonprofit List

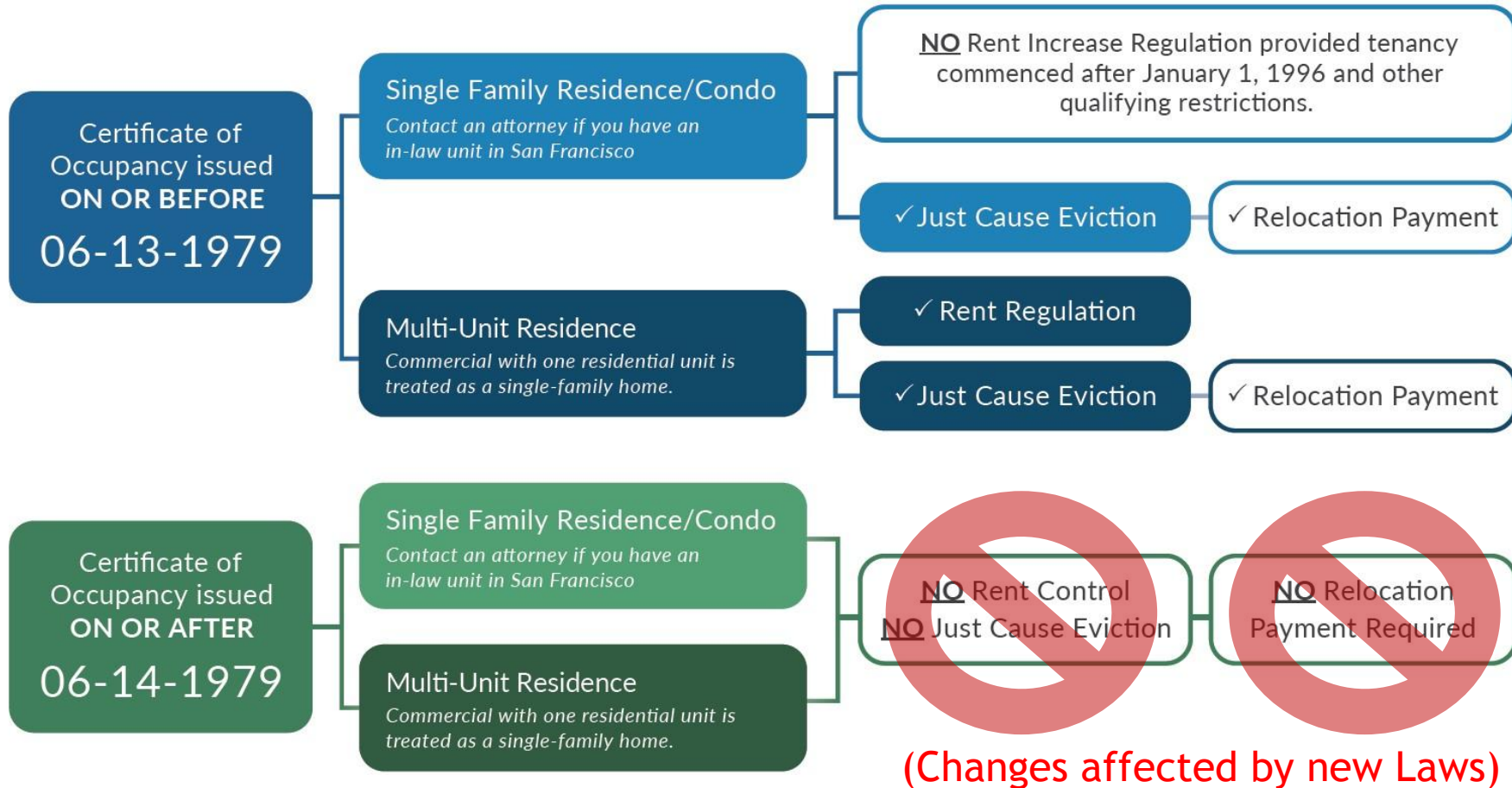
London N. Breed
Mayor

Daniel Adams
Acting Director

Name of Organization:	Bernal Heights Neighborhood Center (BHNC)
Address:	515 Cortland Avenue, San Francisco, CA, 94110
Contact Name/Title:	Ernest "EJ" Jones, Director of Housing Development
Contact Phone Number:	415-799-1511
Contact E-mail Address:	ejones@bhnc.org
Name of Organization:	Chinatown Community Development Center (CCDC)
Address:	1525 Grant Avenue, San Francisco CA 94133
Contact Name/Title:	Whitney Jones, Director of Housing Development
Contact Phone Number:	415-929-0757
Contact E-mail Address:	wjones@chinatowncdc.org
Name of Organization:	Mission Economic Development Agency (MEDA)
Address:	2301 Mission Street #301, SF, CA 94110
Contact Name/Title:	Johnny Oliver, Associate Director
Contact Phone Number:	415-282-3334 x123
Contact E-mail Address:	joliver@medasf.org
Name of Organization:	San Francisco Community Land Trust (SFCLT)
Address:	44 Page Street, Suite 401, San Francisco, CA 94102

Contact Name/Title:	Keith Cooley, Director of Asset Management
Contact Phone Number:	415-399-0943
Contact E-mail Address:	kcooley@sfcclt.org
Name of Organization:	San Francisco Housing Development Corporation (SFHDC)
Address:	4439 Third Street, San Francisco, CA 94124
Contact Name/Title:	Renata Robles, Project Manager
Contact Phone Number:	925-330-1953
Contact E-mail Address:	renata@sfhdc.org
Name of Organization:	Tenderloin Neighborhood Development Corporation (TNDC)
Address:	201 Eddy Street, San Francisco, CA 94102
Contact Name/Title:	Katie Lamont, Director of Housing Development
Contact Phone Number:	415-358-3921
Contact E-mail Address:	klamont@tndc.org

SAN FRANCISCO RENT CONTROL REFERENCE SHEET[©]



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

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.

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

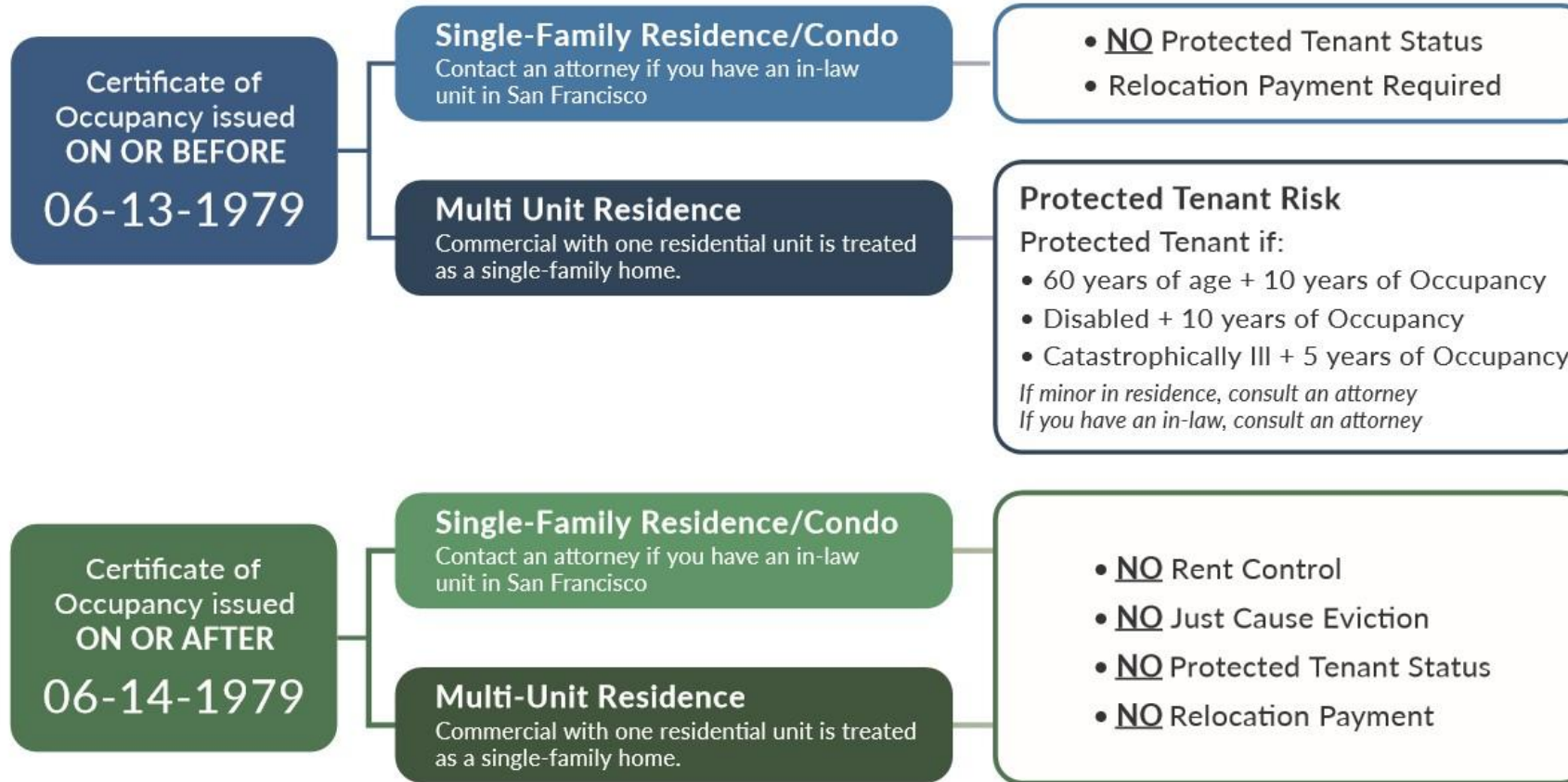
If vacant,
can rent at
market rate

NO OMI REQUIRED,
STRAIGHT TERMINATION

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

SAN FRANCISCO PROTECTED TENANT REFERENCE SHEET[©]

FOR USE WITH "OMI" AND RMI" EVICTIONS

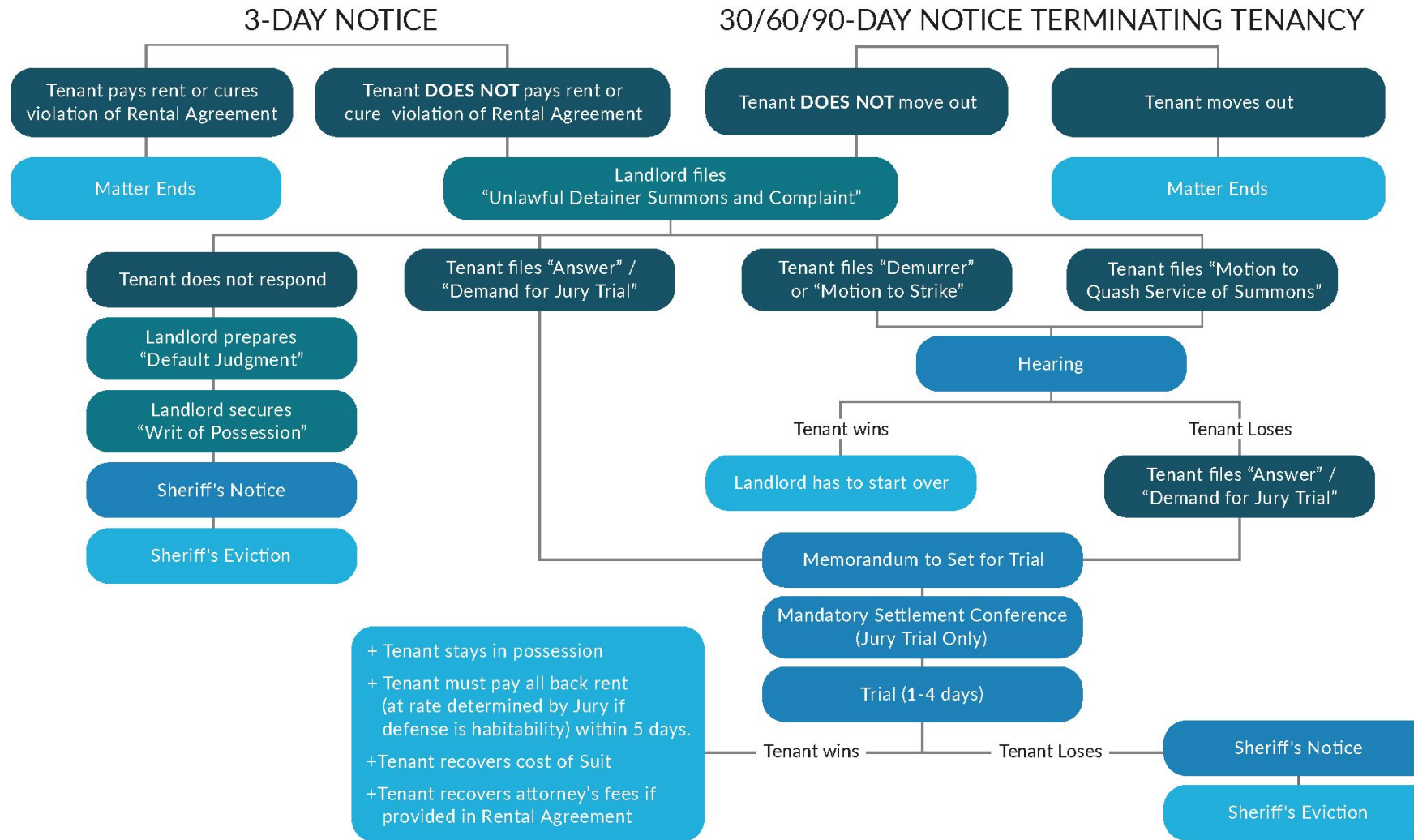


Tenant Surrender of Possession Agreements

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[©]



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