

## CHAPTER 5

### REMOVAL PERMITS

#### **5100. Scope of Authority Granted by a Removal Permit**

A removal permit authorizes the owner of a controlled unit to which the permit applies to cease the residential rental of that unit. Upon the Board's grant of a removal permit—and the owner's having obtained any other City-required permits—an owner may give such notice as is legally required to terminate any tenancy in the unit or units to which the permit applies. The Board's grant of a removal permit alters neither any requirement relating to the timing or method by which an owner must give a tenant notice that his or her tenancy will be terminated, nor the requirement to pay relocation fees required by state, local, or federal law.

[5100 Adopted 10/10/19; Effective 10/15/19]

#### **5101. Controlled Status of Removed Units**

- (a) A unit as to which the Board has granted a removal permit remains fully subject to the Rent Control Law and all Board Regulations enacted thereunder for as long as it is used, or is held out for use, as a residential rental unit.
- (b) The unit will cease to be a controlled unit when the owner to whom the removal permit is granted (or that owner's successor in interest) has terminated any tenancy in that unit on the basis of the permit's having been granted. The unit will cease to be subject to control only because it will cease to be used, or held out for use, as a residential rental unit.
- (c) If, at any time subsequent to its removal from the residential rental market, a removed unit is again used, or held out for use, as a residential unit, it shall be subject to the Rent Control Law and all Board Regulations enacted thereunder to the same extent as if the permit had never been granted. These regulations include, without limitation, those requiring landlords to:
  - (1) Inform the tenant that his or her tenancy is subject to rent control;
  - (2) Comply with all registration requirements; and
  - (3) Pay all current and future registration fees.

[5101 Adopted 10/10/19; Effective 10/15/19]

#### **5102. Expiration of Removal Permit**

A permit to remove a controlled unit from the residential rental market may be used only once for any unit to which it applies. For this reason, a removal permit can no longer be used with respect to a unit once that unit has been removed from the residential rental market pursuant to that permit. A permit to remove a controlled unit from the residential rental market can no longer be used after the earlier of:

- (a) The date when the Board grants the removal permit, for any unit to which the permit applies that is vacant on that date. As to such a unit, the removal is deemed to have occurred simultaneously with the Board's grant of the permit.
- (b) The day when the owner of the unit subject to the permit actually removes the unit from the residential rental market by ceasing to rent the unit or offer it for rent; or
- (c) The expiration any of the following three periods:
  - (1) 90 days after the permit was granted, if the permit was granted because the owner cannot

make a fair return by retaining the unit, as provided for by Charter Section 1803(t)(1), or because the unit is uninhabitable and cannot be made habitable in an economically-feasible manner, as provided for by Charter Section 1803(t)(2)(i).

- (2) Two years after the permit was granted, if the permit was granted so that the property may be developed with multifamily dwelling units and the permit applicant agrees as a condition of approval, that the units will not be exempt from rent control pursuant to Charter Section 1801(c) and that at least 15% of the controlled rental units to be built on the site will be at rents affordable by persons of low income, as provided for by Charter Section 1803(t)(2)(ii).
  - (3) The expiration of any extension to either of the above two periods that the Administrator specifies in a letter written to the owner and copied to the Board and the occupant of any unit affected by the removal permit. The Administrator may extend a removal permit's expiration date beyond that specified in paragraphs (1) and (2) of this subdivision (c) only for good cause as shown in a writing submitted by the owner or owner's representative. Good cause includes, as a minimum, proof that the removal has not occurred by the date originally specified due to factors beyond the owner's control and despite the owner's demonstrated due diligence.
- (d) For any unit granted a removal permit more than one year before the effective date of this regulation, the date when this regulation becomes effective.

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