

San Francisco Residential Rent Stabilization and Arbitration Board

CHECKLIST FOR FILING

Landlord Petition for Extension of Time to Complete Capital Improvements

NOTE: Every item on this checklist must be completed and marked "YES" or your petition will be considered incomplete and that could delay the hearing and decision.

- | | YES | NO | |
|-----|--------------------------|--------------------------|--|
| 1. | <input type="checkbox"/> | <input type="checkbox"/> | Is there a copy of the petition for each tenant listed, as well as the original and one copy for the Rent Board? |
| 2. | <input type="checkbox"/> | <input type="checkbox"/> | Have you completed the Landlord Petition for Extension of Time to Complete Capital Improvements form (three pages)? |
| 3. | <input type="checkbox"/> | <input type="checkbox"/> | Have you included copies of all necessary Building and Planning Department permits , showing the date approval was granted? |
| 4. | <input type="checkbox"/> | <input type="checkbox"/> | Have you included a written breakdown (e.g. contractor's) of the proposed work, detailing where the work will be done, and the <u>cost</u> for the major items? |
| 5. | <input type="checkbox"/> | <input type="checkbox"/> | Have you provided an estimate of the time needed to accomplish the work, including the date work will begin and when you expect it to be completed? |
| 6. | <input type="checkbox"/> | <input type="checkbox"/> | Have you listed the length of vacancy and approximate date each involved tenant may reoccupy? |
| 7. | <input type="checkbox"/> | <input type="checkbox"/> | Have you provided a written statement, with supporting evidence , describing whether all of the work is necessary to meet state or local requirements concerning the safety or habitability of the building, or whether any of the work is elective in nature? |
| 8. | <input type="checkbox"/> | <input type="checkbox"/> | Have you provided a description of any mitigation offered to the tenants to address hardship caused by the extension, other than the required relocation expenses (e.g. occupancy of another unit)? |
| 9. | <input type="checkbox"/> | <input type="checkbox"/> | If you are filing this petition because (a) the work has begun and it is apparent the tenant(s) will need to vacate longer than three months, or (b) a Petition for Extension of Time has already been filed and decided by the Rent Board and it is apparent that the work will take longer than the time approved in the Decision, have you provided a detailed statement of why the work will take longer than originally anticipated? |
| 10. | <input type="checkbox"/> | <input type="checkbox"/> | Have you provided a forwarding address for each tenant listed on the petition? |

Signed: _____
 Landlord Petitioner Agent (Check One)

Dated: _____

INSTRUCTIONS FOR FILING PETITION FOR EXTENSION OF TIME

1. Under the “just cause” eviction provisions of the Rent Ordinance [Section 37.9(a)(11)], a landlord may temporarily remove a rental unit from housing use in order to be able to carry out capital improvements or rehabilitation work, provided that the landlord seeks to recover possession of the unit in good faith, without ulterior reasons and with honest intent, and the premises will be hazardous, unhealthy and/or uninhabitable while the work is in progress. The landlord must obtain all the necessary permits on or before the date upon which the notice to vacate is given.
2. Any tenant who vacates the unit under such circumstances shall have the right to reoccupy the unit at the prior rent adjusted in accordance with the Rent Ordinance. The tenant will vacate the unit only for the minimum time required to do the work, not to exceed three months, unless the time period is extended by the Rent Board pursuant to a landlord’s Petition for Extension of Time to Complete Capital Improvements.
3. (a) If, before giving the notice to vacate to the tenant(s), the landlord knows or should know that the work will require the removal of the tenant(s) for more than three months, the landlord must file a Petition for Extension of Time before giving the notice to vacate to the tenant(s).
(b) If, after the notice to vacate has been given or after the work has commenced, it becomes apparent that the work will take longer than three months, the landlord must immediately file a Petition for Extension of Time along with a statement explaining why the work will take more time than originally anticipated.
(c) If a Petition for Extension of Time has already been filed and decided by the Rent Board and it becomes apparent that the work will take longer than the time approved in the Decision, the landlord must immediately file a Petition for Extension of Time along with a statement explaining why the work will take more time than originally approved.
4. A hearing will be scheduled on the landlord’s petition to determine whether the landlord has delayed in seeking the extension and the reasonableness of the landlord’s estimated time to complete the work. It is helpful if the contractor or other project manager appears as a witness at the hearing. The Rent Board may grant or deny an application for an extension of time, or may approve a shorter period of time, based upon the consideration of the facts of each case.
5. In reviewing the landlord’s petition, the Rent Board must also determine whether the landlord has demonstrated that all of the work is reasonable and necessary to meet state or local requirements concerning the safety or habitability of the building or the unit, rather than elective in nature. If the Rent Board determines that any of the work is elective in nature, the following additional factors must be considered in determining the reasonableness of the landlord’s time estimate:
 - (a) The degree to which the work is elective in nature;
 - (b) Whether any tenants have objected on the basis that:
 - (i) the extension would cause them a financial hardship,
 - (ii) they are 60 years of age or older,
 - (iii) they are disabled, or
 - (iv) other extraordinary circumstances; and
 - (c) Whether the landlord has offered the tenant(s) any reasonable mitigation to address the hardship caused by the extension, other than the required relocation expenses.

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6. A landlord's petition for extension of time to complete capital improvements must include the following:
 - (a) Landlord Petition for Extension of Time to Complete Capital Improvements (three pages);
 - (b) *Legible* copies of **all necessary** Building and Planning Department permits, including electrical and plumbing permits if applicable, showing the date approval was granted;
 - (c) A written breakdown of the proposed work, detailing where the work will be done and the cost for major items;
 - (d) A written statement, with supporting evidence, describing whether all of the work is necessary to meet state or local requirements concerning the safety or habitability of the building, or whether any of the work is elective in nature;
 - (e) A description of any mitigation offered by the landlord to address the hardship imposed on the tenant other than the required relocation expenses;
 - (f) A detailed statement of why the work will take longer than originally anticipated (per paragraph 5(b) or (c) above).
7. The petition must be completely filled out and signed by the landlord or the landlord's authorized agent. **The Rent Board staff is not permitted to complete or fill in the petition for you.**
8. The landlord must submit a copy of the completed petition for each tenant listed in the petition, plus the original and one copy for the Rent Board. The landlord must also submit copies of all relevant documents (permits, contract proposals, written breakdown of the proposed work, etc.) for mailing to each tenant. At the hearing, the landlord must be prepared to clearly describe and explain all of the proposed work, including whether any of the work is elective in nature, and to establish what is a reasonable length of time to perform the work.
9. A petition will not be accepted for filing unless you have fully complied with the above. **FAILURE TO SUBMIT ADEQUATE DOCUMENTATION MAY RESULT IN EITHER THE DISMISSAL OR DENIAL OF THE PETITION.**



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Rent Board Date Stamp

LANDLORD PETITION FOR EXTENSION OF TIME TO COMPLETE CAPITAL IMPROVEMENTS

↓ Building Information ↓

_____ San Francisco, CA 941 _____
 Entire Building Address (include lowest and highest numbers) Zip Code Owned Since

 Year Built Number of Residential Units Number of Commercial Units Total Number of Units

↓ Owner Information ↓

 Name of Company (if applicable) First Name Middle Initial Last Name

Mailing Address: _____
 Street Number Street Name Apt./Suite Number City State Zip Code

 Primary Phone Other Phone

Is an agent and/or property manager authorized to represent the landlord's interest in this petition? Yes No

If yes, check the appropriate box and **attach a written authorization:** Agent Property Manager

↓ Landlord Representative ↓ Agent Property Manager

 Name of Company (if applicable) First Name Middle Initial Last Name

Mailing Address: _____
 Street Number Street Name Apt./Suite Number City State Zip Code

 Primary Phone Other Phone

↓ Other Landlord Representative (if applicable) ↓ Attorney Non-attorney Representative

 Name of Company (if applicable) First Name Middle Initial Last Name

Mailing Address: _____
 Street Number Street Name Apt./Suite Number City State Zip Code

 Primary Phone Other Phone

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Request for Extension of Time

The total no. of units that will need to vacate in order to perform the work is _____. (List units & tenants on the next page.)

I have provided a **written statement, with supporting evidence**, describing whether all of the work is necessary to meet state or local requirements concerning the safety or habitability of the building, or whether any of the work is elective in nature.

I am filing a petition for an extension of time to complete capital improvements because [check appropriate box]:

The work has **NOT** yet begun; the tenants will need to be out more than 90 days.

The notice to vacate has been given or the work has begun; it has become apparent the tenant(s) will need to vacate longer than 90 days.

A Petition for Extension of Time has already been filed and decided by the Rent Board and it is apparent that the work will take longer than the time approved in the Decision.

COMMENCEMENT date of work: _____ **Date work will be COMPLETED:** _____

TOTAL TIME needed to perform work: _____

*You must submit all the attachments and supporting documentation referred to on Page iii, paragraph 7 in order for your petition to be complete. **FAILURE TO SUBMIT ADEQUATE DOCUMENTATION MAY RESULT IN EITHER THE DISMISSAL OR DENIAL OF THE PETITION.***

Declaration

I declare under penalty of perjury under the laws of the State of California that this information and every attached document, statement, and form is true and correct to the best of my knowledge and belief.

Signature of (check one) Landlord Petitioner Agent* Property Manager* _____ Date _____

* Written authorization from the landlord petitioner is attached. Yes No

Tenant Information

The following tenants are subject to this petition. Complete the information below for each involved tenant, including a forwarding address for **each** one. Also list any attorney or representative of such tenant(s) at the bottom of this page.

First Name Middle Initial Last Unit #: _____

Forwarding Address: _____
(If different from unit address) Street Number Street Name Apt./Suite Number City State Zip Code

Primary Phone Other Phone

Length of Vacancy: Tenant's Move-out Date _____ Tenant's Return Date _____

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↓ Tenant Information ↓

_____ Unit #: _____
First Name Middle Initial Last

Forwarding Address: _____
(If different from unit address) Street Number Street Name Apt./Suite Number City State Zip Code

_____ Primary Phone _____ Other Phone

Length of Vacancy: Tenant's Move-out Date _____ Tenant's Return Date _____

↓ Tenant Information ↓

_____ Unit #: _____
First Name Middle Initial Last

Forwarding Address: _____
(If different from unit address) Street Number Street Name Apt./Suite Number City State Zip Code

_____ Primary Phone _____ Other Phone

Length of Vacancy: Tenant's Move-out Date _____ Tenant's Return Date _____

↓ Tenant Information ↓

_____ Unit #: _____
First Name Middle Initial Last

Forwarding Address: _____
(If different from unit address) Street Number Street Name Apt./Suite Number City State Zip Code

_____ Primary Phone _____ Other Phone

Length of Vacancy: Tenant's Move-out Date _____ Tenant's Return Date _____

↓ Tenant Representative Information ↓ Attorney Non-attorney Representative

_____ Name of Company (if applicable) First Name Middle Initial Last Name

Mailing Address: _____
Street Number Street Name Apt./Suite Number City State Zip Code

_____ Primary Phone _____ Other Phone