

# Displaced Tenant Housing Preference

## Frequently Asked Questions

### What is the Displaced Tenant Housing Preference (DTHP) program?

In 2013, the Ellis Act Displacement Emergency Assistance Ordinance created a new preference in all City funded affordable housing programs for tenants who are displaced by an Ellis Act eviction. In 2015, the Board of Supervisors expanded the program to include tenants displaced by Owner Move-In (OMI) evictions. In 2016, the program expanded further to include tenants displaced by fire and tenants who live in buildings with expiring affordability restrictions. The program offers priority to these displaced tenants for 20% of units available through lottery in most City and Office of Community Investment and Infrastructure sponsored affordable housing developments.

For more information, see the [\*Affordable Housing Marketing and Lottery Preference Procedures Manual\*](#).

### What is an Ellis Act eviction?

The Ellis Act was enacted by the State of California in 1986 to require municipalities to allow property owners to go out of the residential rental housing business and evict existing tenants. More information is available on the San Francisco Rent Board website: <http://sfrb.org/topic-no-205-evictions-pursuant-ellis-act>.

### What is an Owner Move-in (OMI) eviction?

In an OMI eviction, a property owner removes a rental unit from the rental market in order to move-into the unit themselves or allow a member of their family to occupy the unit. More information is available on the San Francisco Rent Board website: <http://sfrb.org/topic-no-204-evictions-based-owner-or-relative-move>.

## **What is an affordability restriction?**

Affordability restrictions are used to limit the amount of rent a tenant pays for their apartment. All City sponsored affordable housing has some type of affordability restriction; most continue for the life of the project but some expire after a limited period of time. Buildings with affordability restrictions that are for a limited period expire on a date that was agreed upon when the building was first built.

## **How does a DTHP certificate help me get housing?**

A DTHP certificate gives you priority consideration in most City funded or Inclusionary housing development affordable housing lotteries. The Certificate holder must still meet the program eligibility rules for any particular housing unit including maximum and minimum income requirements.

## **Who is eligible for DTHP?**

### **Ellis Act Displaced Tenants**

To be eligible for the DTHP, Ellis Act displaced tenants must meet the following criteria:

- The tenant must have resided in a San Francisco rental unit for which a Notice of Intent to Withdraw (NOI) was filed with the Rent Board.
- The NOI must have been filed on or after January 1, 2010.
- If the NOI was rescinded by the landlord, the tenant must demonstrate that they moved out prior to the date it was rescinded.
- The tenant must be at least 18 years of age at the time that they apply for the DTHP Certificate.

### **Owner Move-In Displaced Tenants**

To be eligible for the DTHP, OMI displaced tenants must meet the following criteria:

- The tenant must have resided in a San Francisco rental unit for which an Eviction Notice was served on or after January 1, 2010.
- The Eviction Notice must have stated that the reason for the termination of tenancy is to enable an owner or relative of the owner to move-in, and/or referenced Section 37.9(a)(8) of the Rent Ordinance.

- If the Eviction Notice was rescinded by the landlord, the tenant must demonstrate that they moved out prior to the date it was rescinded.
- The tenant must be at least 18 years of age at the time that they apply for the DTHP Certificate.

### **Tenants Displaced By Fire**

To be eligible for the DTHP, tenants displaced by fire must meet the following criteria:

- The tenant must have resided in a San Francisco rental unit which experienced a fire prior to December 31, 2020.
- The tenant must have been required to vacate the unit by a public safety official due to fire.
- The tenant must provide sufficient evidence to MOHCD that demonstrates that he or she cannot return to the unit within a period of six months from the date of the order to vacate the unit or provide a Fire Displacement Verification Form.
- The tenant must be at least 18 years of age at the time that they apply for the DTHP Certificate.

### **Tenants Rent Burdened due to Expiring Affordability Restrictions**

To be eligible for the DTHP, tenants facing displacement because their rent has increased because of expiring affordability restrictions must meet the following criteria:

- The tenant must reside in a San Francisco rental unit where the affordability restrictions expired or will expire in the next 5 years.
- The market rate rent that the tenant household will pay is greater than 40% of their total household income.
- The tenant must be at least 18 years of age at the time that they apply for the DTHP Certificate.

### **If I was evicted or displaced by fire but not on the lease, do I qualify for a certificate?**

Yes. The applicant's name does not have to be listed on the lease in order for the tenant to qualify for a DTHP certificate. Subtenants and tenants without a lease may qualify for the DTHP certificate with sufficient evidence of occupancy.

## **What documentation do I need to prove I was evicted because of the Ellis Act or Owner Move-in??**

The Rent Board provides MOHCD with a regularly updated list of all tenants whose units have been subject to Ellis Act or Owner Move-in Evictions. If an applicant for DTHP was listed on the Notice of Intent to Withdraw (NOI) or Eviction Notice, no further documentation will be required to establish occupancy at the time of the eviction. If the applicant was not listed on the NOI or Eviction Notice, *The Housing Preferences and Lottery Procedures Manual, Section 5.4 Documentation* lists other documentation that can prove that an applicant experienced an Ellis Act or OMI Eviction.

## **What documentation do I need to prove I was displaced by a fire?**

You must seek documentation from the public safety official that provided an Order to Vacate the unit or a signed Fire Displacement Verification Form (included in the DTHP Certificate Application). In order to prove occupancy at the time of displacement you must submit documentation as noted in the *Housing Preferences and Lottery Procedures Manual, Section 5.4.3 Tenants Displaced by Fire*.

## **What documentation do I need to prove that I will be rent burdened when the affordability restrictions in my building expire?**

The [DTHP application](#) for the Expiration of Affordability Restrictions requires that you submit financial documents for your entire household in ONE application. Those financial documents are listed on the application. After applying, if your household qualifies for DTHP, each household member 18 years or older will receive a DTHP certificate.

## **Do I need to apply for a DTHP certificate if I live with someone who has a lifetime lease?**

Yes. You cannot inherit a lifetime lease. Once the person with the lifetime lease leaves the apartment, the rent will increase to market rate at the end of the current lease term.

However, you may be eligible for a DTHP certificate if you can provide documentation that you lived in the unit when the original affordability restrictions expired. Be sure to save a copy of your lease when the affordability restrictions expired to document that you lived in the unit.

### When does my DTHP certificate expire?

Type of DTHP Certificate	Certificate Expiration
Ellis Act and Owner-Move-in	6 Years From the date of the NOI or Eviction Notice
Displaced by a Fire	3 Years From the date of the fire
Expiring Affordability Restrictions	6 Years From the date units convert to market

**Ellis Act and Owner Move-in DTHP certificate holders** may apply the preference in affordable housing lotteries for up to six (6) years from the date that their landlord filed either a Notice of Intent to Withdraw (NOI) or Eviction Notice with the Rent Board, or until the certificate is used one time, whatever is sooner. For displaced tenants with a NOI or Eviction Notice filed prior to January 2, 2016, the expiration date will be January 2, 2022. Expiration dates will be clearly marked on the certificate.

**Tenants displaced by fire** may apply the preference for up to three (3) years from the date of the order to vacate or date of displacement stated on the Fire Displacement Verification Form, or until the certificate is used one time, whatever is sooner.

**Tenants displaced due to a rent burden because of expiring affordability restrictions** may apply the preference for up to six (6) years from the date the restrictions are set to expire, or until the certificate is used one time, whatever is sooner.

In all cases, expiration dates will be clearly marked on the certificate.

## **If I have already vacated my apartment, do I qualify for a DTHP certificate?**

Yes. You can apply for a DTHP certificate any time after the Notice of Intent to Withdraw or the eviction notice was filed. Tenants displaced due to a fire may apply after they receive an Order to Vacate or a completed Fire Displacement Verification form, however, the fire must have occurred prior to December 31, 2020. If your household has vacated your City sponsored affordability restricted apartment because the market rate rent became unaffordable, you will have to provide financial documentation that your household was rent burdened at the time that the affordability restrictions expired.

## **My landlord told me that I was being evicted because of the Ellis Act or Owner Move-in but he didn't file a Notice of Intent to Withdraw or eviction notice with the Rent Board. Do I qualify for a DTHP certificate?**

No. Your landlord must have filed the NOI or Eviction Notice with the Rent Board. If your landlord rescinds the NOI or Eviction Notice before you move out, your DTHP certificate is rescinded as well. If your landlord tells you they are going to evict you for these reasons without filing with the Rent Board, your household will be ineligible for DTHP.

## **How many times can I use my DTHP certificate?**

A DTHP certificate may be used only **once**, for either a rental or homeownership opportunities.

## **Does a DTHP certificate have a subsidy attached?**

No. The DTHP certificate provides the holder with priority consideration for housing. There is no monetary value associated with the Certificate. A DTHP certificate is NOT the same as a Section 8 Housing Choice Voucher. The Section 8 Program is administered by the San Francisco Housing Authority (415-715-5200).

There are also other community organizations in San Francisco that offer rental subsidies and deposit assistance from time to time, although they are not guaranteed. If you are a DTHP certificate holder interested in a referral for a rental subsidy, please contact 415-701-5613 for more information and eligibility requirements.

### **Where do I find City sponsored affordable housing?**

You can search and apply for affordable ownership and rental housing through [DAHLIA](#) San Francisco Housing Portal. You can also sign up for Email Housing Alerts on DAHLIA and receive notification every time a new opportunity becomes available.

### **What is the difference between the DTHP and Certificate of Preference?**

MOHCD manages the [Certificate of Preference \(COP\)](#) program which provides a preference for residents displaced by the former San Francisco Redevelopment Agency in the 1960's and 1970's. COP certificate holders receive first preference for all available City funded affordable housing opportunities. The DTHP certificate holders will generally receive second preference for all available City funded affordable housing opportunities; however, some projects have particular preferences that may come ahead of the DTHP. Each listing on DAHLIA will indicate whether or not the building accepts DTHP.

### **Will I get a preference for ALL new affordable housing lotteries built in the City?**

No. DTHP only applies to buildings with 5 or more City sponsored affordable housing lottery units. In these buildings, DTHP certificate holders will receive preference for 20% of the affordable lottery units. After a developer fills 20% of the affordable lottery units with DTHP certificate holders, any remaining DTHP certificate holders will be considered for the remaining units along with other interested households.

## **What is the process to obtain a certificate?**

First you must complete and submit a DTHP application. The application and requested documentation can be submitted one of three ways.

### Online Submissions

Upload using a Secure Link: <https://sfgov.sharefile.com/r-rec4b07074644dbc8>

### US Postal Service or In-Person Submissions

DTHP Program

Mayor's Office of Housing and Community Development

1 South Van Ness, Fifth Floor

San Francisco, CA 94103

Fax

(415) 701-5501

If you have questions about completing the DTHP application please call (415) 701-5613 or email [dthpcertificate@sfgov.org](mailto:dthpcertificate@sfgov.org).

## **How do I get more information about the DTHP Program?**

MOHCD does not take walk-in appointments however, staff will readily assist you by phone or email. Please call (415) 701-5613 or email [dthpcertificate@sfgov.org](mailto:dthpcertificate@sfgov.org).

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