Mayor’s Office of Housing and Community Development

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. The program offers priority to displaced tenants for 20% of available affordable units in most new City funded affordable housing developments.

For more information, see the *Affordable Housing 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.
How does a DTHP certificate help me get housing?

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

Currently, certain buildings that receive state and/or federal funding may opt out from recognizing the DTHP certificate. When applying for vacancies, DTHP Certificate holders may contact MOHCD to inquire as to the status of their certificate at a specific building.

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- If the NOI was rescinded by the landlord, the tenant must demonstrate that they moved out prior to the date it was rescinded.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, Owner Move In 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 owner or relative 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.

Each qualified tenant is entitled to their own certificate. Certificates will be issued to individual applicants, rather than to families or groups of individuals. An entire household is entitled to priority placement so long as at least one member of that household holds a 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?**

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* 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?**
The applicant must provide documentation that a public safety official provided an Order to Vacate the unit or a signed Fire Displacement Verification Form. In order to prove occupancy at the time of displacement the applicant must submit documentation as noted in the *Housing Preferences and Lottery Procedures Manual*.

**When does my DTHP certificate expire?**
DTHP certificate holders may apply the preference 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. 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.

Displaced tenants 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.

**If I have already vacated my apartment, do I qualify for a DTHP certificate? What if I haven’t moved out yet?**
Yes. Ellis Act Displaced Tenants can apply for a DTHP certificate any time after the Notice of Intent to Withdraw was filed with the Rent Board. OMI Displaced Tenants can apply at any time after 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.
My landlord told me that I was being evicted because of the Ellis Act but he didn’t file a Notice of Intent to Withdraw with the Rent Board.

Do I qualify for a DTHP certificate?
No. For Ellis Act evictions, your landlord must have filed the NOI with the Rent Board. If your landlord rescinds the Notice of Intent, your DTHP certificate is rescinded as well.

How many times can I use my DTHP certificate?
A DTHP certificate may be used only once, for either a rental or homeownership opportunity.

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 certificate. The Section 8 Program is administered by the San Francisco Housing Authority (415-715-5200). MOHCD currently has a separate loan program to assist first-time homeowners for which you may qualify. http://www.sf-moh.org/index.aspx?page=181.

There are 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.

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

**Will I get a preference for ALL new affordable housing built in the City?**
No. In new developments with 5 or more City funded affordable units, DTHP certificate holders will receive preference for 20% of the affordable units. After a developer fills 20% of the affordable units with DTHP certificate holders, any remaining DTHP certificate holders will be considered for the remaining 80% of the units along with other interested households.

**What is the process to obtain a certificate?**
Complete and submit a DTHP application. The application and requested documentation can be submitted by email (preferred), by fax (415) 701-5501 or by mail to DTHP, Mayor’s Office of Housing & Community Development, 1 South Van Ness, 5th Floor, San Francisco, CA 94103. If you have questions about completing the DTHP application please call (415) 701-5613 or email dthpcertificate@sfgov.org.

**What if I already received an Ellis Act Housing Preference Certificate?**
If you previously received an Ellis Act Housing Preference Certificate and have not yet used it to obtain housing, you will be issued a DTHP Certificate. You should receive a new certificate from MOHCD but if you have not, please contact 415-701-5613.

**How do I get more information about the DTHP Program?**
MOHCD does not take walk-in appointments to discuss the DTHP program. Staff will readily assist you by phone or email. Please call (415) 701-5613 or email dthpcertificate@sfgov.org.

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