

City and County of San Francisco Mayor's Office of Housing  
Condominium Conversion BMR Program - Ordinance #320-08

**OPT INTO UPDATED PROGRAM INSTRUCTIONS**  
**Pre-Legislation Owners**

ONLY Pre-Legislation Owners are eligible for this option. If you choose to opt into the updated Condo Conversion BMR Program, your unit will be subject to all of the requirements applicable to post-legislation owners. It is important that you read the procedures and legal documents (see documents below) that govern post-legislation owners, as many aspects of the Program differ from the rules that govern pre-legislation owners. **In entering into any legal agreement with the City, the City recommends that an owner retain his or her own legal counsel. MOH cannot offer legal advice.**

**Step One**

Prior to submitting this request, you must review the following documents:

- Ordinance #320-08
- Implementation of Ordinance #320-08 Overview & Options Chart
- 2007 Inclusionary Procedures Manual
- 2008 Condo Conversion BMR Addendum
- MOH Subordination Policy
- Opt into Updated Program - Checklist
- Opt into Updated Program - Agreement (for current owners who are immediately selling)
- Opt into Updated Program - Declaration of Restrictions
- Opt into Updated Program - Promissory Note and Deed of Trust
- Opt into Updated Program - Acknowledgement

You may download copies on the Condo Conversion BMR Program page of MOH's website: [www.sfgov.org/moh](http://www.sfgov.org/moh) or pick up copies at the Mayor's Office of Housing from 8am-5pm, Monday-Friday.

**Step Two**

Submit the "Opt into Updated Program Checklist" and all required attachments to:

The Mayor's Office of Housing (MOH)  
1 South Van Ness Avenue, 5<sup>th</sup> Floor  
San Francisco, CA 94103  
Attn: Condo Conversion BMR Program

Please submit paper copies (no electronic versions) of the Checklist and all attachments. Do not assume that MOH has these documents in its files. MOH will not review incomplete submittals.

You must complete the transaction for this option **by January 18, 2011**. To ensure that your submittal can be processed in time, MOH must receive your complete application packet **by December 1, 2010**.

### **Step Three**

MOH will review all submittals in the order received.

As part of this process, the fair market value of your property will be determined based on the procedures set forth in Subdivision Code Section 1344(b) (see page 6 of the Ordinance). Based on this information, MOH will calculate the BMR lien which will be recorded through a Promissory Note and Deed of Trust on your property.

If you will be opting into the updated program and immediately selling the BMR unit at the increased price, you must also submit an itemized list of capital improvements and special assessments with a corresponding invoice and proof of payment for each item. Do not resubmit any costs that have already been approved by MOH. MOH will review your capital improvements and issue your resale price.

If you are not immediately selling, MOH will send you a notice with confirmation of your new base price and your BMR lien amount.

### **Step Four**

Your closing process will depend upon how you sign into the updated program, as described below.

- A. Opt-in and Continue to Occupy: If you will be opting into the updated program and will continue to live in your unit, an escrow account will be opened with a participating title company. You will be in direct contact with the title company to set up a signing appointment. At this appointment, you will sign the Declaration of Restrictions, Promissory Note and Deed of Trust for the BMR Lien, and Acknowledgement. This transaction must be complete (closed) **by January 18, 2011**.
- B. Opt-in and Immediately Sell: If you will be opting into the updated program and immediately sell to another qualified household, MOH will furnish an Opt-in Agreement for your signature at the title company processing your sale. Simultaneously, MOH will furnish a new Declaration of Restrictions, Promissory Note and Deed of Trust for the BMR Lien, and Acknowledgement for the new buyer. The sale transaction must be complete (closed) **by January 18, 2011**.

### **Step Five**

Once you have signed and recorded all necessary documents, your unit will be subject to all of the requirements applicable to post-legislation owners in Ordinance #320-08.

CITY AND COUNTY OF SAN FRANCISCO  
CONDOMINIUM CONVERSION BELOW MARKET RATE PROGRAM

**OPT INTO UPDATED PROGRAM CHECKLIST**  
**Pre-Legislation Owners**

Checklist Submission Date: \_\_\_\_\_

**BMR Unit Information:**

BMR Unit Purchase Date: \_\_\_\_\_

BMR Unit Address (include unit # and zip code): \_\_\_\_\_

**BMR Owner Contact Information:**

BMR Owner Name(s): \_\_\_\_\_

Owner Phone Number: \_\_\_\_\_

Owner Email Address: \_\_\_\_\_

Owner Mailing Address: \_\_\_\_\_

**Submission Checklist (check all that apply):**

\_\_\_\_\_ **Opt into Updated Program Checklist**

\_\_\_\_\_ **Proof of Purchase Date**

HUD-1 settlement statement, grant deed, etc.

\_\_\_\_\_ **Current Occupancy for the Property, check one:**

Owner Occupied – I live in my BMR property on a full time basis. I have attached copies of two utility bills dated within 60 days of this submission with mailing address shown.

Tenant Occupied – A tenant lives in my BMR property. I have attached a copy of the current tenant’s lease. By signing into this program, I understand that I must sell or return to owner-occupy this BMR property before January 18, 2011.

\_\_\_\_\_ **Resale Price Request (if applicable)**

If you will be selling your BMR property immediately upon signing into the new program, please attach the following additional documents in preparation for the sale. Please note that your sale must be complete within 6 months of submitting this form and at no time later than January 18, 2011.

- Letter requesting your current resale price
- Realtor Listing Agreement
- Proof of capital improvements and special assessments

MOH has developed an excel spreadsheet to aid you in submitting capital improvements. The electronic spreadsheet is located on the Condo Conversion BMR Program page of MOH’s website: [www.sfgov.org/moh](http://www.sfgov.org/moh). Please email the completed spreadsheet to [ruby.harris@sfgov.org](mailto:ruby.harris@sfgov.org) and submit paper copies of all corresponding invoices and proof of payment.