

SF v. CA Exemptions to Rent Control/Just Cause Eviction

	SF Administrative Code § 37.2(r). See “What Does the Rent Ordinance Cover?” in the SF Tenants Union’s <i>Tenants Rights Handbook</i> for more info.	California Civil Code § 1946.2 and § 1947.12
Disclosure	None.	Required if covered, or if exempt as a single-family home.
Length of Tenancy	Rooms in transient housing where the tenant has occupied the room fewer than 32 consecutive days. SF Administrative Code § 37.2(r)(1)	Less than 12 months tenancy. CC § 1946.2(a), § 1947.12(a)(2)
Certificate of Occupancy Date	Rental units with an initial certificate of occupancy issued after 6/13/79 are only exempt from rent increase limitations of the Rent Ordinance except for (SF Administrative Code § 37.3(g)): <ol style="list-style-type: none"> 1. Costa-Hawkins Rental Housing Act limitations (SF Administrative Code § 37.3(d), § 37.3(f)). 2. Replacement units under SF Administrative Code § 37.9A(b). 3. Development agreement with the City under SF Administrative Code Chapter 56. 4. Accessory Dwelling Units under SF Administrative Code § 37.2(r)(4)(D). 	Housing that has been issued a certificate of occupancy within the previous 15 years unless a mobilehome. CC § 1946.2(e)(7), § 1947.12(d)(4)
Government-Assisted Housing/Affordable Housing	Units in project-based government-assisted or government-regulated housing except units with tenant-based assistance are protected by parts of the Rent Ordinance. SF Administrative Code § 37.2(r)(4)	Some affordable or other rent-controlled housing. CC § 1946.2(e)(9), § 1947.12(d)(1) and (3)
Transient Housing	Rooms in hotels, motels, inns, tourist houses, rooming and boarding houses where the tenant has occupied the room fewer than 32 consecutive days. SF Administrative Code § 37.2(r)(1)	Transient and tourist hotel occupancy are exempt from just cause eviction. CC § 1946.2(e)(1)
Substantially Rehabilitated Housing	Same as “Certificate of Occupancy Date” above.	Not applicable.
Unusual Residences	Some nonprofit cooperatives, units in a hospital, convent, monastery, extended care facility, asylum, residential care facility for elders, or school dormitory. SF Administrative Code § 37.2(r)(2) and (3)	Dormitory, nonprofit hospital, religious facility, extended care facility, licensed residential care facility for the elderly, adult residential facility. CC § 1946.2(e)(2) and (3), § 1947.12(d)(2)
Sharing Property with Landlord	A tenant residing in the same rental unit as the landlord can be evicted without “just cause.” SF Administrative Code § 37.9(b)	<ol style="list-style-type: none"> 1. If the tenant shares bathroom/kitchen with the owner’s principal residence, the unit is exempt from just cause eviction. CC § 1946.2(e)(4) 2. Owner-occupied residence where the owner-occupant rents no more than two units or bedrooms, including, but not limited to an accessory dwelling unit or a mobilehome are exempt from just cause eviction. CC § 1946.2(e)(5) 3. A 2 dwelling units structure where the owner occupied 1 of the units as his/her principal place of residence at the beginning of the tenancy and neither unit is an accessory dwelling unit, if the owner continues in occupancy. CC § 1946.2(e)(6), § 1947.12(d)(6)
Single Residential Unit	Some dwelling units which are separate from title to any other dwelling unit do not have rent increase protections. SF Administrative Code § 37.2(r)(7). See also the section “Definition of a Single Residential Unit” in “Chapter 4: Renting Basics” in the SF Tenants Union’s <i>Tenants Rights Handbook</i> for more info.	Dwelling units separate from title to any other dwelling unit are exempt from rent control/just cause eviction unless: <ul style="list-style-type: none"> • The owner is a real estate investment trust, a corporation, or limited liability company with corporation member or management of a mobilehome park OR • Required disclosure was not given. • See also the section “Definition of a Single Residential Unit” in “Chapter 4: Renting Basics.” CC § 1946.2(e)(8), § 1947.12(d)(5)