

**DEPARTMENT OF PUBLIC WORKS  
EXPEDITED CONVERSION PROGRAM (ECP)  
FREQUENTLY ASKED QUESTIONS**

The Department of Public Works (DPW) has received numerous inquiries about the Expedited Conversion Program (ECP), in particular the lifetime lease requirements. This document is an attempt to answer some of the questions presented in a manner that is publicly available for tenants, property owners, professional consultants, and interested members of the public.

**1. Offer of a Lifetime Lease of Residential Property**

- (A) When is the Landlord(s) / Property Owner(s) required to present the Offer of Lifetime Lease to the Tenant(s) and record it against title?
- *AFTER THE ECP APPLICATION IS DEEMED COMPLETE AND ACCEPTED BY DPW , BUT BEFORE MYLAR MAP SUBMITTAL.*
  - *OFFERS MUST BE MADE TO THE INITIAL TENANT AND ANY SUBSEQUENT TENANTS. OWNERS ARE CAUTIONED TO NOT DELAY MAKING AN OFFER AND THEREBY FACE DIFFICULT OR IMPOSSIBLE SITUATIONS WHERE AN OFFER CANNOT BE MADE BECAUSE A FORMER TENANT HAS RELOCATED AND IS NO LONGER AVAILABLE.*
- (B) What information does the Offer of Lifetime Lease need to include?
- *DATE THE OFFER IS MADE*
  - *NAME OF THE LANDLORD(S) / PROPERTY OWNER(S)*
  - *NAME OF THE TENANT(S) WHO RECEIVE THE OFFER OF LIFETIME LEASE*
  - *THE PROPERTY ADDRESS*
  - *THE UNIT(S) IN WHICH THE TENANT(S) RESIDES*
  - *ALL OTHER INFORMATION SET FORTH IN THE OFFER OF LIFETIME LEASE*
- (C) Does a tenant have to sign the Offer of Lifetime Lease?
- *NO, A TENANT DOES NOT HAVE TO SIGN THIS DOCUMENT. AS STATED ABOVE, THE LANDLORD(S) / PROPERTY OWNER(S) IS REQUIRED TO PRESENT THE OFFER TO THE TENANT(S) AND RECORD THE OFFER BEFORE MYLAR MAP SUBMISSION.*
- (D) Who must sign the Offer of Lifetime Lease?
- *ALL OWNERS OF RECORD ARE REQUIRED TO SIGN EACH OFFER OF LIFETIME LEASE.*
  - *THERE MUST BE A SEPARATE OFFER OF LIFETIME LEASE FOR EACH SEPARATE QUALIFYING TENANT(S). THIS INCLUDES ANY TENANT AT THE TIME OF APPLICATION AND ANY TENANT WHO SUBSEQUENTLY REPLACED THE PRIOR TENANT.*
- (E) If the Landlord(s) / Property Owner(s) provides a tenant with the Offer of a Lifetime Lease, and the tenant fails or refuses to respond, but does not vacate, what is the tenant's status?
- *THE OFFER OF A LIFETIME LEASE IS BINDING FOR TWO YEARS.*
  - *SF RENT BOARD (415-252-4602, LOCATED AT 25 VAN NESS AVENUE, SUITE 320) CAN ADDRESS OTHER TENANT ISSUES.*
- (F) If the life tenant were to vacate the unit after tentative or tentative parcel map approval, how would the Offer of Lifetime Lease be removed from the record?

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- *THE APPLICANT MAY REQUEST THE DEPARTMENT OF PUBLIC WORKS (DPW) TO FILE A NOTICE OF TERMINATION. UPON SUBMITTAL OF SUFFICIENT PROOF THAT THE TENANT VOLUNTARILY VACATED THE UNIT, THE CITY AND COUNTY SURVEYOR, AT HIS OR HER COMPLETE DISCRETION, APPROVE RECORDING A NOTICE OF TERMINATION OF THE OFFER OF LIFETIME LEASE.*

(G) If a life tenant voluntarily vacates the unit and a subsequent tenant begins a new tenancy, who must receive the offer of lifetime lease?

- *ONE OF THE FOLLOWING MUST OCCUR:*
  - *BOTH TENANTS SHALL RECEIVE THE SAME OFFER OF LIFETIME LEASE AND SAID OFFER BE RECORDED PRIOR TO MAP RECORDATION. IF A NOTICE OF TERMINATION OF THE OFFER IS REQUESTED, THE REQUIRED PROOF MENTIONED IN ANSWER 1(F) ABOVE MUST BE SUBMITTED TO THE SATISFACTION OF THE CITY AND COUNTY SURVEYOR FOR EACH TENANT (FORMER AND PRESENT).*
  - *OR, THE CURRENT TENANT SHALL RECEIVE THE OFFER OF LIFETIME LEASE AND THE FORMER TENANT(S) SHALL RECEIVE AND REJECT THE OFFER OF LIFETIME LEASE. NOTE THAT THIS OPTION REQUIRES THE AFFIRMATIVE ACTION OF A TENANT STATING THAT THEY RECEIVED THE OFFER, PREVIOUSLY VACATED THE UNIT AND REJECTED THE OFFER. ALL FORMS SHALL BE RECORDED PRIOR TO MAP RECORDATION. IF A NOTICE OF TERMINATION OF THE OFFER IS REQUESTED, THE REQUIRED PROOF MENTIONED IN ANSWER 1(F) ABOVE MUST BE SUBMITTED TO THE SATISFACTION OF THE CITY AND COUNTY SURVEYOR FOR THE CURRENT TENANT ONLY .*

**2. Agreement to Provide a Lifetime Lease Unit Between The City and County of San Francisco and [Property Owner]**

(A) Who shall sign the Agreement?

- *ALL OWNERS OF RECORD ARE REQUIRED TO SIGN / NOTARIZE THIS AGREEMENT.*
- *ALL UNITS WITH QUALIFYING TENANTS ARE SUBJECT TO A LIFE TIME LEASE OFFER AND AGREEMENT WITH THE CITY REGARDING THE LIFETIME LEASE.*
- *DPW WILL COMPLETE THE AGREEMENT SIGNATURES FOR DPW AND CITY ATTORNEY. THE AGREEMENT WILL THEN BE RECORDED BY DPW, AND THE RECORDING INFORMATION WILL BE SHOWN ON THE MYLAR MAP BY DPW.*
- *NOTE HOWEVER THAT DPW WILL HOLD AND NOT RECORD THE DPW AGREEMENT IN INSTANCES WHERE A NOTICE OF TERMINATION OF THE OFFER OF LIFETIME LEASE HAS BEEN APPROVED AND RECORDED.*

**3. Lifetime Lease**

(A) If the tenants accept the lifetime lease before the Mylar map records, what is my obligation?

- *OWNER(S) MUST RECORD THE ACCEPTED LIFETIME LEASE AS SOON AS IT IS EXECUTED BY ALL OWNERS OF RECORD AND TENANT(S).*

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- *THE RECORDING INFORMATION FROM THE ACCEPTED LIFETIME LEASE MUST BE SHOWN ON THE MYLAR MAP.*
  
- (B) If the building owner(s) enter into a lifetime lease agreement after recording the Mylar map, is there still an obligation to record the lifetime lease agreement?
  - *YES, THE OWNER(S) MUST RECORD THE ACCEPTED LIFETIME LEASE AS SOON AS IT IS EXECUTED BY THE AFFECTED PROPERTY OWNER(S) AND TENANT(S).*
  
- (C) Is there a minimum time of occupancy requirement for residency to qualify a surviving household member upon the death of a life tenant?
  - *SF RENT BOARD (415-252-4602, LOCATED AT 25 VAN NESS AVENUE, SUITE 320) WILL ADDRESS THIS ISSUE WHEN IT ARISES.*
  
- (D) Will the City be reviewing each Lifetime Lease before it is recorded?
  - *NO. THE ONLY TIME THAT DPW WOULD REVIEW THE LIFETIME LEASE IS IF THE OWNER(S) REQUEST DPW TO FILE A NOTICE OF TERMINATION AND DPW NEEDS TO DETERMINE IF SUCH NOTICE IS APPROPRIATE.*

**4. Lifetime Lease – Timing of Notifications**

- (A) Under the Subdivision Code, the Expedited Conversion Program requires the Landlord(s) / Property Owner(s) to present the Offer of Lifetime Lease to the tenant(s) **before** the mylar map submittal. The Subdivision Code and Subdivision Map Act also require the Landlord(s) / Property Owner(s) to make additional offers to the tenant as well, i.e., the right of first refusal for the tenant to purchase the unit in which the tenant resides. When are these ***other*** required offers to be made?
  - *THESE OFFERS SHOULD BE COMPLETED AT THE TIME OF APPLICATION AND AS OTHERWISE REQUIRED IN THE SUBDIVISION CODE AND SUBDIVISION MAP ACT.*
  
- (B) Will tenants first be offered a Lifetime Lease, and then later, receive the other required offers?
  - *THE ECP PROGRAM HAS NO EFFECT ON THIS. THEREFORE, IT IS UP TO THE OWNER(S) TO DETERMINE HOW BEST TO MEET THE VARIOUS TIMING REQUIREMENTS AND COMPLY WITH APPLICABLE PROVISIONS OF THE SUBDIVISION CODE AND SUBDIVISION MAP ACT.*

**5. Lifetime Lease – Section 23. Assignment; Subletting**

- (A) Under the rent ordinance, there is a strict protocol regarding a landlord's obligations to respond to/review requests for subleases, do these apply under the ECP lifetime lease process if the unit is subject to rent control?
  - *THIS IS A QUESTION FOR THE SF RENT BOARD (415-252-4602, LOCATED AT 25 VAN NESS AVENUE, SUITE 320).*
  
- (B) If the tenant(s) who is subject to the terms of the lifetime lease vacates or otherwise leaves the unit, why should any landlord approve a sublease?

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- *THE ECP PROGRAM IS SILENT ON THIS ISSUE. THE PROPERTY OWNER(S) SHOULD EXERCISE HIS OR HER DISCRETION AND CONSULT COMPETENT LEGAL COUNSEL FOR QUESTIONS OF LAW.*

**6. Termination of Tenancy**

- (A) Can an owner in good faith terminate a tenancy for an owner move-in?
- *UNDER THE SUBDIVISION CODE, THE EXPEDITED CONDOMINIUM CONVERSION PROGRAM DOES NOT ALLOW FOR OWNER MOVE IN EVICTIONS, UNLESS SUCH EVICTION DOES NOT VIOLATE SUBDIVISION CODE SECTION 1396.2.*
- (B) How can the recorded Offer of Lifetime Lease be properly removed from title if the life tenant were to vacate the unit?
- *SEE THE ANSWER TO QUESTION 1(F) ABOVE. NOTE THAT ANSWER 2(A) IS ALSO IMPLICATED IN THIS QUESTION.*

**7. Rent Control**

- (A) Is the unit with the lifetime tenant subject to rent control if the unit previously was subject to rent control or was not subject to rent control?
- *IF A UNIT PREVIOUSLY WAS SUBJECT TO RENT CONTROL, IT REMAINS SUBJECT TO RENT CONTROL.*
  - *IF THE UNIT WITH THE LIFETIME TENANT WAS NOT SUBJECT TO RENT CONTROL, IT IS SUBJECT TO THE FOLLOWING RENT INCREASE PROVISIONS:*
    - *THE RENTAL RATE SHALL NOT EXCEED THE RENT CHARGED AT THE TIME OF FILING OF THE APPLICATION FOR CONVERSION, PLUS ANY INCREASES IN THE RESIDENTIAL RENT COMPONENT OF THE "BAY AREA COST OF LIVING INDEX, U.S. DEPT. OF LABOR," PROVIDED THAT THE RENTAL INCREASE PROVISION SHALL BE OPERATIVE ONLY IN THE ABSENCE OF OTHER APPLICABLE RENT INCREASE OR ARBITRATION LAWS.*
- (B) Can an owner provide a rent increase?
- *SEE RESPONSE ABOVE AND THE SAMPLE LIFETIME LEASE AGREEMENT, SECTION 5.*

**8. Notice of Special Restrictions (NSR)**

- (A) If an owner enters into a contract to sell a unit that is subject to a Lifetime Lease to a third party prior to recordation of the subdivision map, must the owner record a Notice of Special Restrictions (NSR)?
- *YES, THE NSR APPLIES TO THE OWNER(S) OF THE AFFECTED UNIT(S) IF HE/SHE/THEY HAVE CONTRACTED TO SELL SUCH UNIT PRIOR TO MYLAR MAP RECORDING. THE NSR MUST BE RECORDED AGAINST TITLE PRIOR TO THE TIME THE MYLAR MAP RECORDS.*
  - *THIS PROVISION ALSO APPLIES IF AN ACTUAL SALE OF A UNIT OCCURS PRIOR TO MAP RECORDATION – THE OWNERS MUST RECORD THE NSR PRIOR TO THE CONVEYANCE.*

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- (B) Do all owners have to sign the NSR?
- *YES, ALL OWNERS OF RECORD MUST SIGN THE NSR.*

**9. Refund Form**

- (A) If there are tenant(s) who are offered the Lifetime Lease, how is my condominium conversion fee refund calculated?
- *THE REFUND IS BASED ON THE NUMBER OF UNITS WITH TENANT(S) WHO HAVE BEEN OFFERED A LIFETIME LEASE.*
- (B) If the tenant does not accept the Offer of a Lifetime Lease or vacates prior to submission of the final or parcel map checkprint, am I still eligible for a refund?
- *YES.*

**10. Application Deadline**

- (A) Is there a deadline to submit my Expedited Conversion Application?
- *AS LONG AS THE OWNER-APPLICANT(S) CONTINUES TO MEET THE OWNER OCCUPANCY REQUIREMENTS (SEE THE SUBDIVISION CODE, SECTION 1396.4, SECTIONS 1 – 9.), THE APPLICANT MAY SUBMIT ITS APPLICATION DURING THE TERMS ESTABLISHED IN THE SUBDIVISION CODE.*