

NOTE: This chart highlights key features of each jurisdiction's condominium conversion ordinance. It does not provide comprehensive information on each ordinance.

	Oakland	Berkeley
<b>Population (2006, CA Dept Finance)</b>	411,755	105,385
<b>% Rental Units</b>	55% (41% owner-occupied)	53% (43% owner-occupied)
<b>Statutory Authority</b>	Title 16 Subdivisions, Ch. 16.36 Condominium Conversions	Title 21 Subdivisions, Chapter 21.28 Condominiums, Community Apartments and Stock Cooperatives*
<b>Eligibility to Convert (e.g. limit on building size/type)</b>	<ul style="list-style-type: none"> <li>Applies to buildings for which a certificate of occupancy has been issued for a multifamily building (new construction not yet occupied is exempt from requirements)</li> <li>"Conversion Rights" required which consist of replacement rental units equal in number to the units proposed for conversion for areas in "Primary" and "Secondary" impact areas, or for conversion of 5 or more units anywhere else in the city</li> </ul>	<ul style="list-style-type: none"> <li>Any properties Ellis Act-ed w/in past 20 years - not eligible</li> <li>Eviction to allow owner-occupancy or occupancy by a relative of owner (Section 13.76.130.A.9 BMC) w/in 10 years for any of units - not eligible</li> </ul>
<b>Cap on Conversion</b>	No numerical/annual limit	<ul style="list-style-type: none"> <li>100 units/year. Priorities for selection of the one hundred units shall be as follows:                             <ul style="list-style-type: none"> <li>A. Priority will be given to proposals with the highest percentage of proposed tenant-purchasers, and tenant purchasers who have lived in their unit for five years or more shall count as two tenant-purchasers for purposes of determining the percentage. Owner-occupants shall also count as proposed tenant purchasers for purposes of determining the percentage. The City Manager shall establish by administrative regulations the procedures for a tenant to qualify as a proposed tenant-purchaser.</li> <li>B. All other factors being equal, applications filed first in time will be preferred. (Ord. 6882-NS § 1 (part), 2005: Ord. 6352-NS § 1 (part), 1996: Ord. 6144-NS § 2 (part), 1992)</li> </ul> </li> <li>Two, three and four unit properties with owner-occupied units eligible for reduced mitigation fees of 5% or less shall not be counted against the quota of 100 units and may be approved provided that they comply with tenants protections in section 21.28.050.A</li> <li>City reviews request for selection forms 2X/year</li> </ul>
<b>Special Permit/ Conditional Use Permit (outside of those required as part of TPM, final map)</b>	Not a permit per se, but application process is required; approval by staff or by Planning Commission	<ul style="list-style-type: none"> <li>Not a permit per se, but application and selection process is required</li> <li>Project of 5 or more units - PC hearing; 4 or less units, approval granted by Zoning Officer)</li> </ul>
<b>Tenant Protections</b>		
<i>Notice (to tenants and prospective tenants - for detail of notice information requirements, refer to appropriate ordinance)</i>	<ul style="list-style-type: none"> <li>Current and prospective tenant notification (60 days prior to filing a TPM)</li> <li>Notification during several stages of approvals</li> </ul>	<ul style="list-style-type: none"> <li>Right to be informed (initial notification, several stages of approvals, can submit written comments;</li> <li>Tenant Notification at least 60 days but not more than 120 days prior to submitting application - BMC Section 21.28.050 E)</li> </ul>
<i>Continue Tenancy; Rent Increases; Restrictions on Remodeling (e.g. "right to quiet enjoyment")</i>	<ul style="list-style-type: none"> <li>Right of continued tenancy until 180 days after issuance of the final public report or expiration of the tenant's lease or rental agreement, whichever is longer, and then only upon thirty (30) days' notice to vacate;</li> <li>Right to terminate a lease or rental agreement, without penalty, upon thirty (30) days' notice to the landlord</li> <li>No rent increase from date of receipt of notice of tenants' rights until at least 12 months after date subdivider files TPM with City.</li> <li>No remodeling shall begin until at least 30 days after issuance of final subdivision report, or if none is issued, after start of subdivider's sales program (start of 90-day period of right to purchase)</li> </ul>	<ul style="list-style-type: none"> <li>Right to continue renting unit (essentially lifetime leases, Section 21.28.120 B.3) at a rent "comparable to that permitted under the Rent Stabilization Ordinance, if owner agrees to limit future rent increases for current tenants, for which owner gets reductions in affordable housing fees (Section 21.28.065 B.1);</li> <li>Right to quiet enjoyment - if applicant wants to do improvements or improvements are required as a condition of approval, applicant must submit and analysis of potential harmful impacts on tenants due to blocked access, noise, temporary displacement and a plan for mitigating those harms</li> </ul>
<i>Right to Purchase Unit (at same or better terms as general public), Tenant-purchaser Assistance</i>	Exclusive right to purchase unit	Exclusive right to purchase unit
<i>Relocation Assistance</i>	Each subdivider must develop a preliminary tenant assistance program (PTAP) that includes : <ul style="list-style-type: none"> <li>efforts to minimize displacement entailing providing "incentives and inducements" that would increase potential for tenants to become owners and</li> <li>"relocation and moving assistance" (with particular emphasis on assisting elderly, disabled, and other tenants who may encounter difficulty in finding new residences</li> </ul>	None, since all tenants are allowed to stay
<i>Elderly, Disabled, Households with minor dependent children, Low/ Moderate Income</i>	Tenants over 62 are entitled to non-transferable lifetime leases on their unit or any other available unit in the building; limitations on 1st year of rent (equal to existing rent 1 year prior to filing of TPM) and increases equal to 75% of Bay Area Rental CPI from date on e year prior to filing of TPM for lifetime of lease	None, since all tenants are allowed to stay
<b>Other Requirements (e.g. Development standards, off-street parking, seismic, building code)</b>	<ul style="list-style-type: none"> <li>Noise insulation (per CA Administrative Code, Title 25)</li> <li>Building Code upgrades (e.g. fire wall separation, protection of window openings near property lines and independent utility meters)</li> </ul>	Subdivision map conditions that address seismic safety, overall local law compliance (Building, Housing and Fire Code requirements)
<b>Inclusionary Requirement</b>	n/a	None - applicants required to pay affordable housing fee (see below)
<b>Fees (other than application, use permit, inspection fees)</b>	n/a (Need to verify)	<ul style="list-style-type: none"> <li>Must pay an affordable housing fee for the conversion of each unit. The fee shall be the capitalized value of the increase in the monthly cost of the condominium unit compared to the monthly cost of the rental unit for a tenant. Monthly homeownership costs will be determined by adding mortgage payments, taxes, and homeowners association fees. Mortgage payments will be the current average fixed rate thirty-year mortgage as reported by the San Francisco Federal Home Loan Bank applied to ninety-five percent of the purchase price. The rent shall be the current market rent at the time of filing the application. The capitalized value shall be determined by dividing the increase in monthly housing payments by the mortgage interest rate</li> <li>Some exemptions for quota and/or payment of fee, but still must satisfy eligibility requirements</li> </ul>
<b>Additional notes</b>		2004 City Assessment of implementation of housing policies, including condo conversion, concluded that affordable housing fee was "very effective" in discouraging conversion of rental units to condominiums

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	Fremont	Hayward
Population (2006, CA Dept Finance)	210,158	146,398
% Rental Units	35% (63% owner-occupied)	46% (52% owner-occupied)
Statutory Authority	Title VIII Planning and Zoning, ARTICLE 21.3. Special Provisions Applying to Miscellaneous Uses, § 8-22135. Condominium conversion; residential projects.	Chapter 10 Planning, Zoning and Subdivisions, Article 3 Subdivisions, Section 10-3.350 Conversion of Residential Rental Projects to Common Interest Developments
Eligibility to Convert (e.g. limit on building size/type)	n/a	n/a
Cap on Conversion	<ul style="list-style-type: none"> <li>•100 units/year (based on average # of conversions in six-year period since 2006)</li> <li>•Additional 20 units/year can be "borrowed" by Planning Commission (PC) from allocations from future years to:                             <ol style="list-style-type: none"> <li>a. facilitate completion of a project in one phase or one less phase than would otherwise be possible;</li> <li>b. promote a higher degree of affordability than is required by the City's inclusionary housing ordinance</li> </ol> </li> <li>•Unused allocation from prior years may not carry over to exceed current or future years</li> <li>•Projects w/greater than 100 units may request and be approved for phased final maps and annual allocations from 1-5 calendar years</li> <li>•PC may choose to allocate part or all of requested allocation; PC may divide a calendar year's allocation amongst projects over a period not to exceed 5 years</li> <li>•If more than one application is received, PC shall prioritize proposal(s) that provide the highest % of affordable units or highest degree of affordability in excess of the applicable inclusionary requirement and/or affordability to low or very low income households. PC may also consider the extent of "green" building practices proposed and degree to which conversion would promote GP or Redevelopment goals</li> <li>•If PC has previously granted approval for conversion applications and has allocated units for 5 calendar years the future, no further applications shall be accepted or considered until the next calendar year</li> <li>•PC may consider reallocation of units in a calendar year if an applicant is unable to utilize an allocation and there are other developers that are ready to proceed in any given year</li> </ul>	n/a
Special Permit/ Conditional Use Permit (outside of those required as part of TPM, final map)	•Requires a <b>conditional use permit</b> (Sec 8-22135 (d)) from PC or City Council; provisions for condo conversion CUP follows Article 25 CUP except has different submittal requirements	n/a
<b>Tenant Protections</b>		
Notice (to tenants and prospective tenants - for detail of notice information requirements, refer to appropriate ordinance)	<ul style="list-style-type: none"> <li>•Written notice to tenants and prospective tenants of intention to convert to condos as required by <b>State law (Government Code Section 66427.1)</b>, which includes first refusal to purchase.</li> <li>• City will provide homeowner education program for those tenants who elect to contract for purchase</li> </ul>	<ul style="list-style-type: none"> <li>• Current and prospective tenant notification (60 days prior to filing a TPM)</li> <li>• Notification during several stages of approvals</li> </ul>
Continue Tenancy; Rent Increases; Restrictions on Remodeling (e.g. "right to quiet enjoyment")	• Cannot increase rent within 180-day notice period required by State law before termination of tenancy	• After receipt of Notice of Intent to convert, tenant has right to terminate lease without penalty but must give 30 days notice to applicant.
Right to Purchase Unit (at same or better terms as general public), Tenant-purchaser Assistance	See above - special relocation subsidy if over 62	<ul style="list-style-type: none"> <li>• Exclusive right to purchase unit</li> <li>• 10% discount for tenants that purchase the unit that they occupy; 5% discount for tenants that buy unit other than the unit they occupy.</li> <li>• Discounts are good for 90 days or less from receipt of notice from subdivider that final map (5 or more units) or parcel map (3 or 4 units) has been recorded (unless tenant has given prior written notice of intention not to exercise right to buy). Discounts do not apply to units that are subject to Inclusionary Housing Ordinance.</li> </ul>
Relocation Assistance	<ul style="list-style-type: none"> <li>• Written notice required</li> <li>• Relocation subsidy must be provided to tenants who have resided in a unit for a minimum of 1 year prior to date written notice of intent to convert is provided; one assistance payment per unit equal to 3X rent in effect at time of notice; payment shall not include first or last month's rent or cleaning/security deposit.</li> <li>• Special relocation subsidy for senior tenants (62 or older at the time written notice of intent was provided)</li> </ul>	<ul style="list-style-type: none"> <li>• For tenants who leased/rented at time of initial notice of intent convert (amount of base year as of 01/01/07, adjusted annually with CPI):</li> <li>• Reimbursement of \$1,000/household/Direct payment to elderly and disabled households for actual moving expenses up to \$2,500</li> <li>• Payment equal to 3 months' rent based on highest rent rate paid by tenant (1/3 paid one month prior to move date and 2/3 upon vacancy)</li> </ul>
Elderly, Disabled, Households with minor dependent children, Low/ Moderate Income	See above - special relocation subsidy if over 62	<ul style="list-style-type: none"> <li>• For elderly and disabled: leases of 5 years for unit that they occupy; lease rights will not expire for up to 180 days from date of receipt of notice from subdivider that final map (for conversion projects of 5 or more units) or parcel map (for conversion projects of 3-4 units) has been recorded;</li> <li>• For households with dependent minors: leases of at least 6 months or completion of the school year (whichever is later); duration of lease rights same as above for elderly and disabled.</li> </ul>
Other Requirements (e.g. Development standards, off-street parking, seismic, building code)	<ul style="list-style-type: none"> <li>• Section (f) Requirements: includes items such as Noise and vibration requirements (per CA Code Title 24, Part 2 CA Building Code Appendix, Chapter 12, Division IIA "Sound Transmission control" and City Subdivision Ordinance, Title VIII, Chapter 1, Article 5)</li> <li>• Requires structural retrofit for "soft story" buildings to reduce earthquake hazards</li> <li>• Establishes requirement for minimum 1-year warranty for appliances and other mechanical systems in the project</li> </ul>	<ul style="list-style-type: none"> <li>• Development standards include:                             <ol style="list-style-type: none"> <li>1) Site plan review</li> <li>2) Prevailing off-street parking standards; exceptions may be granted by Planning Director for 3-4 unit buildings if determined site/building has physical constraints that would preclude provision of required parking without elimination of a unit</li> <li>3) Building condition including: report on "soft story conditions, seismic sufficiency of sub-floor areas</li> </ol> </li> <li>• Applicant must provide 1-year warranty to condo HOA for equipment and appliances</li> </ul>
Inclusionary Requirement	<ul style="list-style-type: none"> <li>• For a residential condominium with 7 or more residential housing units: 15% of units within a project must be made available to moderate income households earning up to 110% of the county median income (Article 21.7, Sec. 8-22177)</li> <li>• Alternatives to on-site construction (e.g. in-lieu fees, provision of rental units within project, land dedication within or adjacent to project)</li> </ul>	15% of converted units must be made available for sale at 120% of area median income (per City's Inclusionary Housing Ordinance)
Fees (other than application, use permit, inspection fees)	\$200 per unit to be converted plus fees in code, plus and relocation assistance required	• Contingency fees: Applicant must pay \$200/unit into HOA reserve fund upon close of escrow for each unit
Additional notes		

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	Los Angeles	Sacramento
<b>Population (2006, CA Dept Finance)</b>	3,976,071	457,514
<b>% Rental Units</b>	66% (28% owner-occupied)	47% (48% owner-occupied)
<b>Statutory Authority</b>	Chapter 1 General Provisions and Zoning, Article 2.9 Condominiums, Community Apartments and Stock Cooperatives (1987) *Ordinance refers to an "Advisory Agency", which is defined in Article 7, Sec. 17.03 as the Director of Planning. •Chapter 7 Public Welfare, Article 7 Miscellaneous, Section 47.06: Tenant Relocation Assistance Where Apartments are Converted (5/11/80)	Title 17 Zoning, Chapter 17.192 Condominium Conversion and New Construction Program
<b>Eligibility to Convert (e.g. limit on building size/type)</b>	n/a	City Council must make findings of: • consistency with GP, in particular affordability goals of Housing Element, any applicable area plans; • average vacancy rate in affected community plan areas during 12 months preceding date city-determined rental vacancy rates are issued is greater than 5% (if vacancy rate is equal or less than 5%, City Council may make finding that applicant has proposed measures that mitigate displacement of tenants or adverse effect on rental housing stock; the subject building's rental history including the number and circumstance of evictions and rent increases over the preceding 3 years can be considered in determining the effect to the area's rental vacancy rate.
<b>Cap on Conversion</b>	n/a However, City is currently considering draft ordinances that would introduce a cap (see additional notes below)	n/a
<b>Special Permit/ Conditional Use Permit (outside of those required as part of TPM, final map)</b>	n/a	Special Permit
<b>Tenant Protections</b>		
<i>Notice (to tenants and prospective tenants - for detail of notice information requirements, refer to appropriate ordinance)</i>	• Notification of hearing on TPM or preliminary parcel map (shall be mailed not less than 15 days prior to the public hearing) • Notification of intent to convert: 120 days prior to termination of tenancy due to conversion • Notification of exclusive right to purchase at same or more favorable terms than general public (extends not less than 90 days from issuance of subdivision public report (per Section 11018.2 of CA Business and Professions Code) unless tenant provides written notice of intention not to exercise right	• Notice of Intent to Convert - At least 60 days prior to filing an application for a special permit to convert or for a TPM to convert • Notice of Right to Purchase unit • Notice of Hearings on Special Permit (at least 10 days but not more than 30 days prior to hearing date)
<i>Continue Tenancy; Rent Increases; Restrictions on Remodeling (e.g. "right to quiet enjoyment")</i>	• Minimum rights regarding right to no rent increases, terminating lease, remodel work, length of occupancy from issuance of final subdivision report	• Preconversion protection to rent increase (until relocation or when application is denied or withdrawn, for period of up to 2 years): rent can not be increased more than once every six months nor in an amount greater than fair market rents as established by HUD.
<i>Right to Purchase Unit (at same or better terms as general public), Tenant-purchaser Assistance</i>	• Exclusive right to purchase unit	• Exclusive right to purchase unit at same (or better) terms as general public (Good for 90 days) • Special sales program for qualified low and moderate income tenants (110% or less of median income): applicant must offer unit in which tenant currently resides or "comparable unit" at price which is "affordable" (monthly payments not to exceed 35% of income) to tenant. • If at time of sale, the assets of qualified tenant are insufficient to cover costs of downpayment and closing costs, applicant shall pay a portion of those costs up to \$2,000. Tenant has 90 days to accept sale terms, or if tenant fails to secure financing, applicant can sell unit unrestricted • If unit is sold under restrictions, there will be a second deed of trust for obligation of the amount of the difference between price paid by tenant and price at which the unit would have sold without the affordability requirements. The beneficiary of the trust would be applicant. Other terms to trust would apply.
<i>Relocation Assistance</i>	• Available to any tenant who has resided at property on both the date of tentative or preliminary parcel map application and date of approval (and who does not intend to purchase). • Assistance to find "comparable" replacement rental unit (based on a number of factors) within 10 days of the date on which the 120-day notice is required, which includes supporting services to eligible tenants such as providing transportation for those without cars, among other services. • Rental Subsidy: 1) if rent in new unit is higher than unit tenant occupied, the subdivider pays the difference for 1 year from relocation date; 2) if tenant is eligible for "special protection" there is no monetary limit; in all other cases, the subdivider shall not be required to pay more than \$200/month per unit. • Moving Costs: Applicant must pay up to \$500 per household if tenant chooses to employ a moving company recommended by applicant. • Relocation Fee: Applicant shall "unconditionally offer to pay each relocated household a relocation fee of \$1,000." (Amended by Ord.163,309, Eff.3/27/88) However: Ch.IV, Section 46.07 (C)1.a.(4) says landlord shall pay tenants and \$3,200 to all other tenants for relocation expenses (Amended by Ord. No.175,980, Eff.7/3/04) • Each year (July 1), the Community Development department will automatically increase monetary assistance amounts (per LA Admin Code)	• Relocation assistance \$500 or \$600 (depending on whether moving from furnished or unfurnished apt.) • Assistance in finding comparable unit
<i>Elderly, Disabled, Households with minor dependent children, Low/ Moderate Income</i>	Special protection if tenant is 62 or over; handicapped (per CA Health and Safety Code Section 55072); disabled (per Title 42 US Code, Section 423; is residing with one or more minor dependent children; or is a resident of a low to moderate cost housing unit.	• Rent subsidy for 1 year for any difference between rent of new and existing unit (but amount shall not exceed \$100/month to be paid by applicant) • Payment/refund of any difference between deposits and fees of new and existing unit • Additional assistance for qualifying tenants if applicant failed to provide proper notice(s) as specified by conversion regulations • Lease program (elderly, handicapped or low or moderate-income) for all such tenants who do not purchase unit: lease for 3 years at original terms for 1st year with annual allowance to increase that is not to exceed 7%
<b>Other Requirements (e.g. Development standards, off-street parking, seismic, building code)</b>	• Must meet current Housing, Building and Fire Codes • Parking Requirements (can be modified by Advisory Agency up to an including 0.75 spaces per d.u.): Minimum number of resident parking spaces per unit =1: 1.25 spaces per dwelling unit with 3 or less habitable rooms 1: 1.5 spaces per d.u. having more than 3 habitable rooms • Guest parking required: 0.25 space/d.u. for projects with fewer than 50 units and 0.5 space/d.u. for projects with over 50 units (can be modified by Advisory Agency up to an including 0.5 spaces per d.u.) • Advisory Agency can require that up to 1 of required parking spaces/d.u. be provided in a private garage or carport	Development standards: off-street parking of not less than 1 space/d.u.; utilities; separate sewer, water, gas (if have gas), electrical; sound attenuation; ownership association, meets current Building Code
<b>Inclusionary Requirement</b>	Applicant must make "every reasonable effort" to develop at least 6% of the units affordable for rent or purchase as low-income dwelling units at the fair market value and at least an additional 9% of the total number of units affordable for rent or purchase as low or moderate income dwelling units at the fair market value; if applicant determines cannot do so then must give Housing Authority the "continuing right of first right of refusal" to lease or to purchase up to 15% of units at fair market value (Per Chapter 1, Article 2, SEC. 12.39. LOW AND MODERATE HOUSING)	n/a
<b>Fees (other than application, use permit, inspection fees)</b>	Applicant must make "every reasonable effort" to develop at least 6% of the units affordable for rent or purchase as low-income dwelling units at the fair market value and at least an additional 9% of the total number of units affordable for rent or purch	n/a (Need to verify)
<b>Additional notes</b>	Draft Ordinances (currently being considered by City have been approved by the Planning Commission and forwarded to City Council, which has asked for additional study - Jan 2007) which would: 1) Create an improved tenant relocation assistance program and increase amount of tenant assistance payments 2) Establish an annual cap on conversions to 734 units/year 3) Provide relocation assistance payments to tenants who voluntarily move out of a unit proposed for condo conversion 4) Increase the rental housing production fee 5) Establish a new fee and program to monitor compliance with tenant relocation assistance requirements	

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	San Diego	San Francisco
<b>Population (2006, CA Dept Finance)</b>	1,311,162	798,680
<b>% Rental Units</b>	49% (47% owner-occupied)	62% (33% owner-occupied)
<b>Statutory Authority</b>	Chapter 14 General Regulations, Article 4: Division 5: Condominium Conversion Regulations, Last amended 06/13/06	Subdivision Code, Division I. Subdivision Code, Article 9
<b>Eligibility to Convert (e.g. limit on building size/type)</b>	n/a	<ul style="list-style-type: none"> <li>•Only 2 to 6-unit buildings are eligible; Eligible buildings can qualify if they meet the following conditions: <ul style="list-style-type: none"> <li>•Owner-occupancy requirements</li> <li>•Win a conversion lottery, and satisfy "tenants rights" rules. The lottery can be bypassed for 2-unit buildings with owners occupying both units</li> <li>•Declaration of 40% of tenants must sign non-binding "Tenant Intent to Purchase" forms (the 40% can include tenants that opt for lifetime leases)</li> <li>•Disqualification for buildings from being converted to condos based on eviction history (May 2005) including the following circumstances: <ul style="list-style-type: none"> <li>-A building from which one elderly (20) tenant in occupancy 10 years or more, or one disabled tenant, has been evicted since 5/1/05 for any reason unrelated to the tenant's behavior, can never be converted to condominiums;</li> <li>-A building from which two or more tenants (regardless of age or disability) have been evicted from separate units for any reason unrelated to the tenants' behavior since 5/1/05 can be converted to condos only after 10 years of owner-occupancy.</li> </ul> </li> <li>*Eviction is defined as the issuance of a notice terminating tenancy even if the tenant later leaves without further legal action (or in exchange for a "tenant buyout")</li> </ul> </li> </ul>
<b>Cap on Conversion</b>	n/a	<ul style="list-style-type: none"> <li>•200 units/year through the lottery; no annual limit on # of owner-occupied buildings which can convert via the lottery by-pass</li> <li>•Buildings with 3 to 6 units must enter lottery (and satisfy other owner occupancy and tenants rights rules)</li> </ul>
<b>Special Permit/ Conditional Use Permit (outside of those required as part of TPM, final map)</b>	Site development permit required if applicant wants to deviate from any of the development standards specified ("Process Four Site Development Permit") and findings must be made that due to project-specific constraints the proposal addresses development standards to the maximum extent feasible and provides specific community benefits OR that strict adherence to development standards would result in demolition of structures or loss of architectural character of structures that contribute to community character	<ul style="list-style-type: none"> <li>• Not special permit per se but after winning lottery, submitting application with required surveys and plans, and initial building inspection "conditional City approval" in the form of a Tentative Approval Letter from Dept. of Public Works required</li> <li>• If 5-6 units then requires Planning Commission Hearing</li> </ul>
<b>Tenant Protections</b>		
<i>Notice (to tenants and prospective tenants - for detail of notice information requirements, refer to appropriate ordinance)</i>	<ul style="list-style-type: none"> <li>•Required (written) notification to all tenants (including those applying for rental units within the condo conversion project): <ol style="list-style-type: none"> <li>1) notice of intent to convert at least 180 days prior to termination of tenancy</li> <li>2) notice of intention to file for condo conversion at least 60 days prior to filing for TPM or map waiver (w/Hearing Officer or PC)</li> <li>3) notice w/in 10 days of approval of parcel map, final map or certificate of compliance for the proposed conversion</li> <li>4) 10 days of notice that an application for public report has or will be submitted to CA Dept. of Real Estate and that it will be available upon request (4 or fewer units do not require report from Dept of Real Estate)</li> <li>5) (notice of) Exclusive right to purchase unit at same (or better) terms as general public</li> <li>6) notice to vacate property (if resided at property less than 1 year, you get 30 days notice; one year or more then 60 days notice)</li> <li>7) a summary of benefits, including relocation assistance</li> </ol> </li> </ul>	Notice of intent to convert within 5 days of filing an application with Dept. of Public Works (specific requirements that are part of information in notice)
<i>Continue Tenancy; Rent Increases; Restrictions on Remodeling (e.g. "right to quiet enjoyment")</i>		<ul style="list-style-type: none"> <li>•Right to continue renting unit at current rent (with increases allowed based on CPI and/or Rent Control Ordinance, as applicable) for 1 year after conversion</li> <li>• Each non-purchasing tenant can have not less than 120 days from date of receipt of notification from subdivider of intent to convert to relocate</li> </ul>
<i>Right to Purchase Unit (at same or better terms as general public), Tenant-purchaser Assistance</i>	• Exclusive right to purchase unit at same (or better) terms as general public (Good for 90 days)	• Exclusive, nontransferable right to purchase unit at price same or better than general public for period of 60 days from date unit is offered in writing by subdivider
<i>Relocation Assistance</i>	•Relocation assistance to all tenants equal to 3 months ("fair market rent" per HUD)	•Relocation assistance and moving expenses tenants electing to move within first 120 days after conversion are entitled to up to \$1000 in relocation expenses
<i>Elderly, Disabled, Households with minor dependent children, Low/ Moderate Income</i>	n/a	•Tenants over 62 are entitled to lifetime, rent-controlled leases
<b>Other Requirements (e.g. Development standards, off-street parking, seismic, building code)</b>	Development standards: prior to final map approval, City Engineer must OK that improvements per Code have been made to: electrical, windows, smoke alarms, landscaping and parking requirements, and replacement of building components with less than 5 years of useful life	• Converting buildings need not meet current building codes, be seismically upgraded, or have parking. But City does require a Building Inspection to remedy work done without needed permits; life/safety issues; energy and water conservation violations. Work must be completed whether or not conversion is completed within 6 months of issuance of City's inspection report (that is requested by the applicant).
<b>Inclusionary Requirement</b>	<ul style="list-style-type: none"> <li>•Inclusionary requirement: applies to all conversion projects of two or more units that contain units sold to households earning 150% AMI or more.</li> <li>•At least 10% fo the total dwelling units within a proposed condo conversion must be set aside for households earning no more than 100% AMI or can provide in-lieu fees; but if project is 20 or more units then must satisfy inclusionary requirement on-site</li> <li>•See Inclusionary Housing Ordinance for other options to satisfy affordable housing requirements.</li> </ul>	If City determines that any unit to be converted is part of City's low or moderate income housnig stocks, then price of unit upon conversion shall be no greater than 2.5X the highest income level for low and moderate income households (per Section 1309(e) and (f), adjusted for household size
<b>Fees (other than application, use permit, inspection fees)</b>	\$200 per unit to be converted plus any expenses incurred by City or Housing Commission to secure tenant relocation benefits	<ul style="list-style-type: none"> <li>•Application fee: \$8,336 (2-4 units), \$8,437 (5-6 units)</li> <li>•Lottery fee: \$150 (per building)</li> <li>•Recording fee: \$110</li> </ul>
<b>Additional notes</b>	• Prior to amendments in 06/2006, relocation assistance was based on need, during tight rental markets only (when rental vacancy rate is 7% or less) for residents w/100% or below area median income (AMI)	Time to process: 2-4 units 15-24 months; 5-6 unit buildings 4 months longer

NOTE: This chart highlights key features of each jurisdiction's condominium conversion ordinance. It does not provide comprehensive information on each ordinance.

	San Jose	San Leandro
Population (2006, CA Dept Finance)	953,679	81,074
% Rental Units	37% (61% owner-occupied)	42% (56% owner-occupied)
Statutory Authority	Title 20 Zoning 1, Chapter 20.170 Residential Condominium and Community Apartment Project Regulations	Zoning Code, Part V Administration, Article 24 Residential Condominium Conversions
Eligibility to Convert (e.g. limit on building size/type)	<ul style="list-style-type: none"> <li>Applies to existing multi-family rental housing and nonresidential structures to residential condominium and community apartment projects</li> </ul>	Conversion applications for existing multi-family buildings of 3 or more units accepted for further discretionary review if any one of the following factors exist: <ul style="list-style-type: none"> <li>Applicant submits evidence of vacancy rate greater than or equal to 5%</li> <li>75% of tenants indicate in writing to convert units to ownership</li> <li>applicant agrees to sell 25% of units at affordable prices (see below)</li> </ul>
Cap on Conversion	n/a	n/a
Special Permit/ Conditional Use Permit (outside of those required as part of TPM, final map)	<ul style="list-style-type: none"> <li>Requires a <b>conditional use permit</b> (Section 20.170.200) - there are 2 exceptions to meeting development standard criteria 1) undue economic hardship and either "substantial" meeting of criteria or inclusion of "mitigating" factors to project.</li> </ul>	<ul style="list-style-type: none"> <li>Use permit; Required findings (section 5-2420, A through H) relating to consistency with adopted plans, policies, zoning, appropriate physical condition, no adverse impact to rental market, adequate relocation plan;</li> <li>*Except buildings with 4 units or less have fewer required findings per use permits in general (section 5-2212)</li> <li>Planning Commission; or City Council upon referral</li> </ul>
<b>Tenant Protections</b>		
Notice (to tenants and prospective tenants - for detail of notice information requirements, refer to appropriate ordinance)	<ul style="list-style-type: none"> <li>Notice of intention to convert: At least sixty (60) days prior to the date of filing an application for a conditional use permit for conversion to a project, the developer shall notify each of the tenants of the proposed project of his intention to convert</li> <li>Notice of Public Report. Within five (5) days of receipt of the final public report on the proposed project from the California Department of Real Estate (hereinafter "final public report"), the developer shall notify each of the tenants of the proposed project of the issuance of said report.</li> </ul>	<ul style="list-style-type: none"> <li>Notice of intent to convert (60 days prior to filing for TPM); notices of public hearing, results of public hearing</li> <li>Applications for conversion of more than 30 units may be referred to appropriate school district for comment (at least 10 days prior to public hearing)</li> </ul>
Continue Tenancy; Rent Increases; Restrictions on Remodeling (e.g. "right to quiet enjoyment")	<ul style="list-style-type: none"> <li>Right of continued tenancy until 180 days after issuance of the final public report or expiration of the tenant's lease or rental agreement, whichever is longer, and then only upon thirty (30) days' notice to vacate; right to terminate a lease or rental agreement, without penalty, upon thirty (30) days' notice to the landlord.</li> <li>"Right to quiet enjoyment" of the unit. No remodeling of the interior of such unit to prepare it for sale (i.e. "right to quiet enjoyment") until 150 days after issuance of the final public report</li> </ul>	<ul style="list-style-type: none"> <li>Each non-purchasing tenant can have not less than 180 days after TPM approval or expiration of tenant's lease to relocate</li> <li>Tenant can terminate lease up to 30 days without penalty after application to convert is submitted</li> <li>No increase in rent within two months of project application nor within 2 years from time of filing application or until relocation takes place.</li> <li>No remodeling/refurbishing without tenant's consent after notice of intention to convert has been given</li> </ul>
Right to Purchase Unit (at same or better terms as general public); Tenant-purchaser Assistance	<ul style="list-style-type: none"> <li>Exclusive "right of first refusal" to purchase the unit, at a price no greater than the price offered to the general public for such unit or comparable unit, if such tenant is not in default under the terms of his or her lease or rental agreement, until 90 days after issuance of the final public report</li> </ul>	<ul style="list-style-type: none"> <li>Exclusive, nontransferable right to purchase unit at a <b>discount of price offered to general public</b>; amount of discount *small be based on the longevity of each tenant)</li> </ul>
Relocation Assistance	PC or City Council may make a condition of use permit a plan of relocation and purchase assistance for tenants : <ol style="list-style-type: none"> <li>Relocation assistance including, but not limited to, active assistance in securing comparable replacement housing for tenants who will be displaced, and a payment to each household for displacement costs.</li> <li>A rental assistance payment to displaced tenants of a project equal to the difference between the pre-conversion rent and that of a comparable replacement unit for up to twenty-four (24) months to mitigate any rent increase due to relocation.</li> </ol>	<ul style="list-style-type: none"> <li>Moving expenses: 3x monthly rent to tenants who move <b>after</b> City approves use permit authorizing conversion</li> <li>Relocation Assistance shall be provided to applicant for a minimum of 4 months following TPM approval (including info about comparable rental units on a quarterly basis)</li> </ul>
Elderly, Disabled, Households with minor dependent children, Low/ Moderate Income	n/a	<ul style="list-style-type: none"> <li>Tenants over 62 are entitled to lifetime leases and rent shall not be increased for 2 years after filing of application</li> <li>Low-/Moderate income/Households with minor dependents shall receive a minimum of 12 months' relocation time from TPM approval to find replacement housing</li> </ul>
Other Requirements (e.g. Development standards, off-street parking, seismic, building code)	<ul style="list-style-type: none"> <li>Development standards including off-street parking (0.5 space/d.u.), separate meters, electrical panels for each unit, noise insulation per itle 25, Chapter 1, Subchapter I, Article 4, Section 78, or its successor, of the California Administrative Code.</li> <li>Must meet current Housing, Building and Fire Codes</li> <li>PC or City Council may include a condition to include recreational open space "in a manner and to an extent it may deem reasonably necessary to secure the general purposes of this title" (20.170.340)</li> </ul>	<ul style="list-style-type: none"> <li>Compliance with Zoning, Building, Housing Mechanical and Fire Codes,</li> <li>Parking requirements (Article 17) Sound Transmission Characteristics and Energy Conservation (e.g. shock-mounting of mechanical equipment to reduce vibration, noise requirements per Title 25), separation of utilities, laundry facilities (not less than one washer/dryer for each five units)</li> <li>Applicant must provide 1-year warrant to condo HOA for equipment and appliances</li> </ul>
Inclusionary Requirement	The City does not have an Inclusionary Housing Ordinance. The Redevelopment Agency has inclusionary housing policy (pertaining to projects within Redevelopment Areas), however, condominium conversions are not referenced.	Applicant must agree to sell 25% of units to low- and moderate income households, with a minimum of 20% of units to low-income households. Maximum sales price shall not exceed 2.5X annual median income for such households (per CA Health and Safety Code, Section 50093).
Fees (other than application, use permit, inspection fees)	n/a (Need to verify)	<ul style="list-style-type: none"> <li>Contingency fees: Applicant must pay \$200/unit into HOA reserve fund upon close of escrow for each unit</li> </ul>
Additional notes		