



## FREQUENTLY ASKED QUESTIONS

### Legalization of Existing Unauthorized "In-law" Dwelling Units

#### **GENERAL INFORMATION:**

**1. What is the program for legalization of in-laws in San Francisco? Is it mandatory or voluntary?**

It is a voluntary program under Ordinance No. 43-14 that allows one unauthorized dwelling unit per lot that existed prior to January 1, 2013 to pursue legalization with DBI and Planning Department.

**2. Where may I find additional information regarding unit legalization?**

Please call our telephone hotline at **(628) 652-3727**, email [Unitlegalization@sfgov.org](mailto:Unitlegalization@sfgov.org) or visit <https://sfdbi.org/UnitLegalization>.

**3. Are units that have pursued no-fault evictions qualified to be legalized under this program?**

Units that have pursued no-fault evictions with the Rent Board after March 2014 must wait either 5 or 10 years before they may apply for legalization.

**4. Will rent control requirements be applied to the legalized unit?**

If the building where the unit is being legalized meets Rent Control requirements, these also apply to the legalized unit.

**5. Can legalized units pursue subdivision or condo conversion?**

No, legalized units cannot pursue subdivision or condo conversion with DPW.

**6. What if I do nothing to my building?**

The Mayor's unit legalization program is voluntary, so no penalties are being levied for non-compliance. However, by not acting you may risk possible complaints and NOV – a risk that is the property owner's responsibility.

#### **COST:**

**7. What fees will be waived under the in-law legalization program?**

NOV monitoring fee is waived per Ordinance No. 43-14. Plan review fee waiver are applicable to permits for unit legalization per Ordinance No. 43-14 issued on September 5, 2015 through December 31, 2024. Fees related to any additional work beyond necessary improvements for legalization shall not be waived.

For work beyond necessary improvement to legalize, you would have to file them on separate permits. One permit for only legalization work, and another permit for the additional work. Both permits may refer to the same set of plans.

**8. I am planning to legalize, how can I take advantage of the plan review fee waiver?**

Plan review fee waiver are applicable to permits for unit legalization per Ordinance No. 43-14 issued on September 5, 2015 through December 31, 2024. For work beyond necessary improvement to

legalize, you would have to file them on separate permits. One permit for only legalization work, and another permit for the additional work. Both permits may refer to the same set of plans.

**9. How much will it cost to legalize my unit to meet the code requirements?**

Depending upon the scope of legalization work, the cost will vary. Please consult a licensed civil or structural engineer, architect or a licensed contractor, to obtain accurate estimates.

In general, a change from 2 units to 3 units is much more expensive, since it may trigger sprinklers and other requirements from Fire Department. Other cases are less expensive.

**10. Can capital improvement costs for legalization be passed through to the tenant occupant?**

No, capital improvement costs for legalization cannot be passed through to the tenant occupant, and the owner must provide temporary relocation compensation to the tenant occupant if applicable per Rent Board standards.

**11. What are the available funding sources for building code compliance?**

DBI will provide information on available funding sources for building code compliance including the CALHOMESF loan from the Mayor's Office of Housing and Community Development.

**PROPERTY TAX:**

**12. Will legalized units be reported to the Assessor?**

Legalized units will be reported to the Assessor for applicable property tax assessment. Under State law, the Assessor is responsible for establishing a taxable value on property located in the City & County of San Francisco.

**13. Will the Assessor reassess my building under this unit legalization program?**

A property that legalizes a unit under this program may be subject to an increase in the assessed value depending on whether the building was originally purchased with the existing illegal in-law unit and the extent to which new construction occurs to bring the unit into compliance. Please contact the Assessor's Office with additional questions: call 311 or visit [assessor@sfgov.org](mailto:assessor@sfgov.org).

**NOTICES OF VIOLATION:**

**14. Will current Notices of Violation be suspended?**

Yes, units with current Notices of Violation shall be suspended if owner opts to pursue legalization and cleared if the unit is legalized within one year.

**15. Will DBI suspend collection of monitoring fee for NOV?**

DBI will suspend collection of the \$52 monthly monitoring fee tied to any NOV where the owner has filed an application to legalize one unit, per Ordinance No. 43-14, as an additional incentive to make the owners/public aware of the option to legalize.

**16. I just received a NOV for an illegal kitchen and already schedule an inspection with DBI inspector. What should I do?**

We suggest you legalize your unit right away. Under this program, your NOV will be suspended. You can re-schedule with the inspector at a later time.

**SCREENING PROCESS:**

**17. Does the Department of Building Inspection (DBI) provide a screening service?**

DBI will provide an initial screening process that is non-binding to help owners understand the estimated costs to legalize before filing an official application. Owners may hire an engineer, design

professional or contractor for representation. Following the screening process, the owner or professional agent may formally apply for legalization with the Planning Department and submit building permit applications with DBI.

**18. What is the screening form?**

The screening form identifies all the building code issues applicable to legalization. The screening form will not be used by the Department in an official capacity. Attached to the Screening Form is the checklist requiring floor plans for the entire building and a site plan showing location of all structures on the subject lot. Evidence from Water Department, telephone, gas or electric records, written lease agreements, etc. showing dwelling unit to be legalized existed prior to January 1, 2013. Assessment/costs prepared by licensed contractor, architect or engineer that outlines compliance plan to meet codes (or any equivalencies DBI and Planning agree upon), etc.

**19. May the applicant pursue the screening process anonymously?**

Prior to submittal of the screening form to DBI for filing, the applicant may pursue the screening process anonymously. Anonymity is no longer possible after submittal of the screening form to DBI for filing.

**20. Will the DBI perform a field inspection to determine whether or not my dwelling unit installed without a permit can be legalized?**

No, an owner may hire a licensed civil or structural engineer, architect or contractor who specializes in buildings to determine if the building meets the code requirement for legalization. You may contact the Unit Legalization Program to discuss your situation by email [Unitlegalization@sfgov.org](mailto:Unitlegalization@sfgov.org), call (628) 652-3727 or visit <https://sfdbi.org/UnitLegalization>.

**21. Does DBI have a list of pre-qualified engineers, architects or licensed contractors who specialize in unit legalization?**

No. Please contact:

- The American Institute of Architects at (800) 242-3837 or visit <http://www.aia.org/index.htm>
- The Board for Professional Engineers at (866) 780-5370 or visit <http://www.bpelsq.ca.gov/>
- The Contractors State License Board at (800) 321-2752 or visit <http://www.cslb.ca.gov/>
- The Structural Engineers of Northern California at (415) 974-5147 or visit <http://seaonc.org/>

**22. How does DBI and Fire Department determine code equivalencies?**

Through pre-application meeting (see AB-028 or AB-005), DBI and Fire Department shall determine whether building code equivalencies are applicable to the various code issues related to legalization.

**PERMIT APPLICATION:**

**23. Can applicant submit a permit application to legalize the dwelling unit under this ordinance without submitting the screening form?**

No, applicants cannot submit a permit application to legalize the dwelling unit under Ordinance No. 43-14 without completing the screening form (prepared by licensed contractor, architect or engineer).

**24. How to identify the newly legalized unit on the permit application form for legalization?**

On the permit application form 3/8, clearly identify the different number of dwelling units under item (9A) "Legal description of existing building" and (9) "Description of building after proposed alteration".

**25. Are there any other requirements to complete permit application form for legalization?**

The permit application form 3/8 including new or legalization of, remodeling of kitchen or bathroom shall indicate that both electrical and plumbing permits are required.

**26. What is the timeframe for permit approval of unit legalization work?**

This depends upon the project's overall scope of work. After Planning Department approval, small scope of work projects may qualify to be reviewed and potentially approved over-the-counter. Larger scope of work projects may be reviewed within four weeks after Planning Department approval (if required).

**PLANNING REQUIREMENTS:**

**27. I have one parking space. If I legalize one additional unit, will Planning Department require an additional parking space?**

No, under this program, the Planning Department is OK with one parking.

**28. What are some of the Planning Department requirements for this program?**

Some Planning Code requirements to be met include: landscaping, permeability, street tree requirements, and bicycle parking. ([See Information Sheet G-17 Attachment B](#), Items 4 thru 8)

**ADDITIONAL INFORMATION:**

**29. If my unit has been legally permitted (except the kitchen), does my building still require code review?**

Yes, the kitchen needs to be legalized.

**30. Can I add two kitchens?**

No, this program allows you to legalize one unit and per Planning Code, only one kitchen per unit.

**31. Does each unit require bath, kitchen and sleeping area?**

Yes, studio unit is OK.

**32. I have an in-law which I plan to rent out, should I legalize it?**

Yes, to avoid complaints later.

**33. Can I legalize my housekeeping/manager units?**

This is subject to Planning Department's approval.

**34. I want to separate the water, electrical and gas meters for the building. This may require adding a separate address for the building. Can I apply to add a new address for the building?**

Yes, assigning new street addresses are done by appointment only. After permit for legalization of the dwelling unit is issued, submit a request for appointment via email with all relevant information to: [dbi.cpbrequest@sfgov.org](mailto:dbi.cpbrequest@sfgov.org).

**35. What are the benefits to complete unit legalization work?**

After legalization, units are code compliant and easier for insurance or bank loan applications.

**36. If I legalize my unit now, will it remain legal next year?**

Yes, unit becomes permanently legal.