



# Renter's Legal Assistance

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## **An Introduction to the Ellis Act**

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### **What is the Ellis Act?**

The Ellis Act is a state law that gives landlords the unconditional right to evict tenants in order to go out of business.

### **Will I be reimbursed if my tenant files an Ellis Act eviction?**

Yes. Landlords are required to reimburse \$4,500 per tenant (up to \$13,000) per household and an additional \$3,000 for each tenant who is a senior or disabled.

### **Can the landlord file an Ellis Act eviction for reasons other than going out of business?**

Yes. In fact, many landlords file an Ellis Act eviction to change the use of the building rather than sell it. Many Ellis Act evictions are used to turn rental units into condominiums.

### **What is the process of filing and completing an Ellis eviction?**

Completing an Ellis eviction is a two part process; the landlord must evict all tenants in the rental units and legally remove the building from the rental market. The courts have ruled that the tenants' cannot expire before the landlord has successfully removed the building from the housing market. During this 120 day period, the withdrawal still remains an "intent", and the landlord can change his or her mind. After 120 days, this becomes a real eviction and the building will be withdrawn from the housing market.

### **What can I do to fight an Ellis eviction?**

Procedural defenses are the most effective because the Ellis Act is very strict, meaning that the landlord has to adhere exactly (in terms of both dates and content) to all the Rent Board filings. Seeing that the landlord's eviction notice cannot expire before the building is withdrawn from the market, the landlord may have to reissue eviction notices. And given that most Ellis evictions are done by real estate speculators who are waiting for the opportune moment to make a profit, the fact that the landlords must reissue eviction notices may convince the real estate speculator to change his or her mind.

For more information on the Ellis Act, please visit <http://www.sftu.org/ellis.html>.