

# DWELLING UNIT LEGALIZATION PROGRAM

## FREQUENTLY ASKED QUESTIONS

*Disclaimer: This document is for reference only. To ensure you meet ALL requirements of the Legalization program, please consult the Planning Code, speak to a Planner at the Planning Information Counter or send an email to [CPC.ADU@sfgov.org](mailto:CPC.ADU@sfgov.org).*

This handout is applicable for property owners of multi-unit buildings and single-family homes with an unwarranted dwelling unit (UDU) on the property who are seeking to legalize the unit.

In 2014, under Ordinance No. 43-14, Planning Code Section 207.3 was established to permit one dwelling unit to be legalized per lot in districts that permit residential use. This is a voluntary program that allows property owners to formally register and rent their unwarranted units in San Francisco assuming all life-safety conditions are met. These additional, existing dwelling units were previously converted by a property owner to turn unused space into a rentable unit. Although it is common, this has been illegal. With this ordinance, one of these existing units may legally join the housing market should the owner follow the process.

This program offers waivers from several areas of the Planning Code in order to legalize the dwelling unit. The Department of Building Inspection (DBI) maintains a screening program and determines eligibility for enrollment in the legalization program.

*\*The legalization program can be used in conjunction with the ADU programs; please see [sfplanning.org/adu](http://sfplanning.org/adu) to learn more about these programs.*

### WHAT YOU NEED TO KNOW

#### **Number of Unwarranted Units Allowed to be Legalized**

One unwarranted dwelling unit will be permitted to be legalized on each lot under the program pursuant to Planning Code Section 207.3.

#### **Converting/ Removing Dwelling Unit Space**

Within the existing built envelope, the unwarranted unit is permitted to expand, however the Planning Code limits the amount of floor area an existing dwelling can be reduced and be added to another dwelling unit. Generally, the floor area of an existing dwelling unit cannot be reduced by more than 25%. Please review more details in [Section 317 of the Planning Code](#) under 'Residential Merger'.

#### **Subdivisions/ Evictions**

Legalized units are ineligible for subdivision, which means they cannot be sold individually.

The legalization program cannot be used to legalize dwelling units that have had owner move-in evictions filed after March 13, 2014 if the notice was served within five years prior to the permit application being filed for legalization; or other no-fault evictions filed after March 13, 2014 if the notice was served within ten years prior to the permit application being filed for legalization.

## Rent Control

A dwelling unit that was subject to the Residential Rent Stabilization and Arbitration Ordinance prior to legalization shall remain subject to said Ordinance after legalization. Please review [Chapter 37](#) of the Administrative Code for more details.

## Merging the Legalized Unit with Another Existing Unit

You may request to merge the legalized unit with an original unit through the Conditional Use Authorization process, which requires action by the Planning Commission at a public hearing. Please review [Section 317 of the Planning Code](#), specifically the topic “Merger” for the findings that will need to be made for merger of residential units, and also see topic of “Converting/ Removing Space” in this handout.

## Code Requirements

### Planning Code

The Zoning Administrator may waive rear yard, parking, open space, density, and the light and air requirements for exposure for the unwarranted dwelling unit proposed to be legalized.

Please note that legalizing the unwarranted dwelling unit cannot create or intensify nonconformity for the existing, legal dwelling unit(s) on the property. For example, although the specific square footage for the open space is waived under this program, the addition of a dwelling unit should not remove any existing unit(s) access to shared open space, such as a rear yard. In this scenario, ensure that your plans retain access to the shared rear yard, such as through a common corridor or rear stairs.

All other Planning Code requirements must be met. The most common requirements that must be met for adding dwelling units include bicycle parking, permeability and landscaping in your front setback area, and street trees (under the regulations of Public Works).

### Building Code

All Building Code requirements must be met, including ceiling height, proper ventilation, light, fire safety, and egress.

A pre-application meeting with the Department of Building Inspection and the Fire Department (for three or more dwelling units with Fire) can determine if there are applicable equivalencies for meeting the Building Code. Please also see [Administrative Bulletin FS-05](#) for information on sprinkler requirements on the ground floor.

## Process and Fees

### Fees

Legalization permits issued between January 1, 2020, and December 31, 2024 are eligible for a partial waiver of some plan review fees. Check our website for [current rates for Planning fees for permits](#). If other scopes of work are required, these should be on a separate building permit in order to obtain the fee waiver for legalization.

## Process

### *Department of Building Inspection (DBI)*

Property owners must start the legalization process with the Department of Building Inspection (DBI). DBI confirms eligibility for enrollment in the legalization program. Please review the [G-17 Information Sheet](#), one of DBI's informational bulletins, for full details on the Unit Legalization program.

### *Screening Form*

Owners may receive an estimation of the costs to legalize their units by undergoing an initial screening process. This screening is an informal consultation with DBI staff, non-binding and free of charge. Find the screening form on DBI's Unit Legalization website and more information about the required steps at <http://sfdbi.org/UnitLegalization>.

In order to apply for the Unit Legalization Program per DBI:

- Home owners must first hire a professional representative (engineer, architect, or contractor) who will be responsible for providing the owner with a professional assessment of what legalization may entail.
- Home owner must provide documentation that the dwelling unit to be legalized existed prior to January 1, 2013.
- Afterwards, home owner submits the screening form to DBI via email to [unitlegalization@sfgov.org](mailto:unitlegalization@sfgov.org) or via mail to 49 South Van Ness Avenue, Suite 500, San Francisco, CA, 94103 Attn: Technical Services to be accepted into the Program. Following this screening process, when the owner has essential information needed for a decision, they may then formally apply for a building permit for legalization with the Planning Department and DBI. Two sets of plans are required to apply.

### *Planning Department*

Inquiries can be made to the Planning Information Center about meeting requirements under the Planning Code and applicable waivers under this program (which are outlined in Section 207.3 of the Planning Code). As noted above, two sets of plans are required to apply. Planning's [Permit Intake Checklist](#) for Legalization and ADU projects provides an overview of what is expected on plan sets.

## Timeline

Legalization permits cannot be issued over the counter. Currently, the permit review process can take two to four months. Applications that require variances, or a conditional use permit, will likely take six months or more. There is no neighborhood notification requirement for legalizing a unit under this program.

## ADDITIONAL RESOURCES

### **Zoning:**

Find your zoning using the Property Information Map at <https://sfplanninggis.org/pim/>

### **Rent Control:**

Find out if your building or unit is under rent control by contacting at the San Francisco Tenants Union at [www.sftu.org/rentcontrol](http://www.sftu.org/rentcontrol) or learn more about Rent Control from the San Francisco Rent Board at [www.sfrb.org](http://www.sfrb.org)

### **Building Code Requirements:**

All life safety requirements under the San Francisco Building Code must all be met during legalization of an unwarranted dwelling unit. Please visit <http://sfdbi.org/UnitLegalization> for more information.

## CONTACT THE PLANNING INFORMATION COUNTER

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