



London N. Breed  
*Mayor*

Christina A. Varner  
*Executive Director*

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*PRESIDENT*

DAVE CROW  
JULIET HALEY  
RICHARD HUNG  
ASHLEY KLEIN  
CATHY MOSBRUCKER  
KENT QIAN  
KION SAWNEY  
ARTHUR TOM  
DAVID WASSERMAN

**MINUTES OF THE REGULAR MEETING OF  
THE SAN FRANCISCO RESIDENTIAL RENT  
STABILIZATION & ARBITRATION BOARD**

Tuesday, April 11, 2023  
at 6:00 p.m.  
25 Van Ness Avenue, Room 610  
San Francisco, CA 94102

Remote Access: The meeting will also be streamed online via Webex at  
<https://bit.ly/437kv2v>

Public comment may be given by phone.

Public Comment Dial In Number: (415) 655-0001  
Webinar Number: 2495 620 4710 / Webinar Password: RENT (7368 from phones)

The Commission strongly encourages interested parties to submit their comments in writing, by 12:00 p.m. on April 11, 2023 to [rentboard@sfgov.org](mailto:rentboard@sfgov.org). The public comment call in instructions are available on the Rent Board's website at <https://sf.gov/public-body/rent-board-commission>.

Please visit the Rent Board's website for ongoing updates.

I. Call to Order

President Gruber called the meeting to order at 6:09 p.m.

II. Reading of Ramaytush Ohlone Land Acknowledgment

Commissioner Crow read the Ramaytush Ohlone Land Acknowledgment.

III. Roll Call

Commissioners Present: Crow; Gruber; Hung; Klein; Mosbrucker; Qian; Tom; Wasserman.

Commissioners Not Present: Haley; Sawney.

Staff Present: Brandon; Flores; Koomas; Martinez Solis; Varner.

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IV. Approval of the Minutes

MSC: To approve the minutes of March 14, 2023.  
(Wasserman/Tom: 8-0)

V. Remarks from the Public

*There were no remarks from the public.*

VI. Consideration of Appeals

A. 1563 Grove Street

AT230018

The subtenant's petition alleging a disproportional share of rent and decreased housing services was denied. The ALJ found that the subtenant's claims regarding disproportional share of rent and excessive heat were duplicative of claims that were already decided in a prior decision; that the Rent Board lacked jurisdiction to consider the subtenant's claim of harassment; and that the subtenant failed to meet the burden of proving a loss of quiet enjoyment. On appeal, the subtenant argues in part that the ALJ failed to fully consider his claims and that the master tenants made false statements at the hearing.

MSC: To deny the appeal.  
(Wasserman/Gruber: 5-0)

B. 1048 Larkin Street #33

AT230019

The tenants' petition alleging decreased housing services was denied. The ALJ found that the tenants failed to meet the burden of proving a substantial decrease of services related to the 13 items listed in the petition. The tenants appeal, arguing in part that the decision contains factual errors and that the landlord intentionally presented misleading evidence.

MSC: To deny the appeal.  
(Wasserman/Gruber: 5-0)

C. 984 Hampshire Street

AL230020

The tenant's petition alleging a decrease in housing services was granted and the landlord was found liable for rent reductions in the amount of \$21,904.84 for the unreasonable denial of the tenant's request for permission to replace departing roommates. On appeal, the landlord argues that the monthly rent reduction should be limited to a period of one year and that the tenant is only permitted to have one roommate, not two.

MSC: To deny the appeal.  
(Mosbrucker/Qian: 5-0)

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D. 255 – 11<sup>th</sup> Avenue

AT230021

The tenants' petition alleging decreased housing services was granted in part and the landlord was found liable for rent reductions in the amount of \$3,862.00 for inadequate heat and the loss of a dryer. On appeal, the tenants contend in part that the ALJ's valuation of their inadequate heat claim was insufficient and arbitrary.

Commissioner Wasserman recused himself from the consideration of this appeal because he represents the landlord's property management company in other matters.

MSC: To deny the appeal.  
(Gruber/Klein: 3-2; Qian, Mosbrucker dissenting)

V. Remarks from the Public (cont.)

A. Brad Hirn of the Housing Rights Committee of San Francisco asked the Board to hold off on scheduling a public hearing on the proposed amendments to Rules and Regulations Section 10.10. He stated that several tenant petitions regarding the Tenant Right-To-Organize legislation have been filed with the Rent Board but have not yet been decided. He asked the Board to give Rent Board staff a chance to review the issues and identify areas where guidance is needed before drafting regulations.

B. Former Rent Board Commissioner Polly Marshall stated that she also wanted to encourage the Board to hold off on adopting regulations implementing the Tenant Right-To-Organize legislation until some cases have been decided by the Rent Board. She stated that she was approached to help draft competing regulations a few months prior, but was unable to identify which issues require clarification.

C. Robin Baker, a subtenant at 1563 Grove Street (AT230018), told the Board that his life has been severely impacted over the last four years by the circumstances of his tenancy and considers the Board's denial of his appeal a "failure of the system." He stated that substantial evidence was provided in support of his claims and the master tenants only provided unsubstantiated testimony. He stated that the master tenants gave false testimony at the hearing and unlawfully collected rent from him for an uninhabitable living environment. He stated that he has PTSD because of the living situation created by the master tenants and is unable to keep stable employment.

VII. Communications

In addition to correspondence concerning cases on the calendar, the Commissioners received the following communications:

- A. Articles from the SF Chronicle, SF Examiner, KQED, SFist, and Mission Local.
- B. Monthly workload statistics for February 2023.
- C. Proposed Amendments to Rules and Regulations Section 10.10.

D. Administrative Code Section 49A.

E. Memo from Supervisor Connie Chan re Proposed Amendments to Rules and Regulations Section 10.10

### VIII. Director's Report

Executive Director Varner told the Board that operations continue as normal at the Rent Board, and that the department is deep in the throes of hiring and recruitment, and its move project. She said that at the March 14 meeting, Commissioner Sawney inquired around potential outreach regarding core Rent Board services. Director Varner explained that staff had also identified a need to return to some foundational trainings with key traditional Rent Board partners. She said that the department is planning to prepare for and participate in the SF Apartment Association's Landlord Expo in May, and thereafter, the department will begin to conduct new outreach on core Rent Board material. Director Varner told the Board that timely Rent Board Fee payments were due March 1, and that late payment now incurs a 10% penalty, rising to a 15% penalty in May. She said that owners can pay via the Rent Board Portal online at portal.sfrb.org, or by mailing a check into the Rent Board's PO Box or walking a check or cash payment into the Treasurer and Tax Collector's Office during business hours, and that if owners have questions, they can contact 311. With regard to legislation, Director Varner said that Board of Supervisors (BOS) File No. 230260, the Ordinance amending the Administrative Code to extend by 60 days the restrictions on evicting or imposing late fees on residential tenants who could not pay rent that came due during the COVID-19 emergency, was passed by the BOS on second reading on April 4, 2023 and is currently awaiting the Mayor's signature. Director Varner thanked the Commissioners for timely filing their Form 700s and completing the required Ethics and Sunshine training. Finally, Director Varner introduced Yeni Martinez Solis, a new Rent Board Specialist in the Public Information Unit who formerly worked for Catholic Charities in their housing program, and is a fluent Spanish speaker. The Board welcomed Yeni.

### IX. Old Business

#### A. Future Rent Board Commission Meetings - Appeal Response Filing Deadlines

Director Varner opened the discussion regarding procedural transitions from fully remote meetings to hybrid meetings. At the April 11, 2023 meeting, Commissioners provided feedback that it was very difficult to adequately consider and keep track of all documents submitted in regard to an agendaized appeal when they were submitted very near in time to a board meeting - for example, the day of, or day prior to a board meeting. On April 11, the Commissioners directed staff to obtain City Attorney guidance as to whether the Board could set appeal response filing deadlines and whether the Board could consider authoring a Regulation on the issue. After obtaining advice from the City Attorney's office, Director Varner reported that there is no legal obstacle to imposing time limits or deadlines onto receipt of appeal response submissions prior to board meetings, and that 48, 72, or 96 hours prior to the meeting is reasonable, not counting weekends, and that the Board may want to adopt a Regulation regarding such time limits. However, staff informed the Board that they would also need to adopt policies or rules around acceptance and consideration of late appeal response filings and requests to find good cause. President Gruber and Commissioner Wasserman

were concerned that the adoption of Regulations may present more complicated issues. Commissioners Mosbrucker, Qian and Wasserman said that making adjustments to the language on the Appeal to the Board form may provide more clarity to the public on late appeal response filing, and directed staff to amend the Appeal to the Board form and provide a draft to the Commissioners for review at the next meeting.

B. Proposed Amendments to Rules and Regulations Section 10.10 Regarding the Tenant Right To Organize Legislation

Commissioner Klein began the discussion by making a motion to move the proposed amendments to Regulation Section 10.10 out to public comment at the following Board meeting. She stated that the subject was ripe for regulations and that it would be helpful for the Commission to provide guidance to Rent Board staff before any Decisions are issued. The motion was seconded by Commissioner Wasserman. Commissioners Mosbrucker and Crow stated their objection to the motion for reasons including: that the proposed amendments go “beyond the Board’s authority”; that staff should be given time to review pending cases and offer guidance as to where guidance is needed; that the definition of “tenant” in the proposed amendments is inconsistent with the Rent Ordinance; that a reference to the Police Code is a misstatement; that the proposed amendments would restrict tenant organizing and lead to the intimidation of tenants; and that the proposal goes against the legislative intent of the Tenant Right-To-Organize legislation. Commissioners Wasserman and Klein argued that any petitions or hearings before the Rent Board would be limited exclusively to the concerns of tenants and not issues affecting property owners, and that it’s preferable to prevent disagreements before they arise. Commissioner Klein spoke to issues facing property owners that she sought to alleviate with implementing regulations, including vandalism and common area disturbances. Commissioner Qian spoke in favor of waiting to adopt new regulations until after Decisions have been issued and more information is available. After further discussion, Commissioners Hung and Mosbrucker asked staff whether they could provide any feedback regarding the proposed amendments or the Board’s authority to adopt them. Senior Administrative Law Judge Joseph Koomas stated that staff could ask the City Attorney to provide an analysis of the proposed amendments, but that staff lacked experience with the Tenant Right To Organize Legislation and was unable to identify issues that require clarification at this time.

Commissioner Wasserman then made a new motion, seconded by President Gruber, to send the draft regulations to the City Attorney’s office in their current form and to request a confidential memorandum regarding the lawfulness of the proposed amendments to Rules and Regulations Section 10.10. (Wasserman/Gruber: 8-0)

X. New Business

There was no new business.

XII. Calendar Items

May 16, 2023

A. Consideration of Appeals

6 appeal considerations

B. Old Business

1. Future Rent Board Commission Meetings/Revised Appeal Procedures
2. Proposed Amendments to Rules and Regulations Section 10.10 Regarding Tenant Right To Organize Legislation

Reader of the Ramaytush Ohlone Land Acknowledgment – Commissioner Hung

XIII. Adjournment

President Gruber adjourned the meeting at 7:47 p.m.